FEDERAL REGISTER

VOLUME 13 NUMBER 107

Washington, Wednesday, June 2, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9963

EXEMPTION OF SAMUEL B. HILL FROM COMPULSORY RETIREMENT FOR AGE

NOTE: Executive Order No. 9963 was filed with the Division of the Federal Register as F. R. Document No. 48-4894, on May 28, 1948, at 3:49 p. m.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 10—SPECIAL TRANSITIONAL PROCEDURE

REEMPLOYMENT BENEFITS AFTER TRANSFER

Section 10.111 (a) is amended to read as follows:

§ 10.111 *Reemployment benefits after transfer.* (a) Any person, except one who was holding a temporary position, who was transferred by the Commission with reemployment rights under authority of Executive Order No. 8973 or 9067 or War Manpower Commission Directive No. X, shall be entitled to the rights specified in paragraph (b) of this section if he:

(1) Gives the agency in which he has reemployment rights 30 days' advance written notice of his intent to exercise his reemployment rights: *Provided,* That such notice may not be withdrawn without forfeiture of his rights under this section. Such advance notice must be given not later than 40 days after the beginning of a furlough from the agency to which transferred; or if separated without furlough, not later than 40 days from the date of separation. In any event such notice shall be given not later than October 22, 1948.

(2) Is still qualified to perform the duties of the position.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-4858; Filed, June 1, 1948; 8:50 a. m.]

PART 28—OFFICIAL PERSONNEL FOLDER

Part 28 is revised and amended to read as follows:

Sec.
28.1 Responsibility of agency.
28.2 Designation of official folder.
28.3 Consolidation and standardization of content of folder.
28.4 Transfer of the official personnel folders between agencies.
28.5 Request for information about employees whose folders have been transferred to other agencies.
28.6 Official personnel folder upon reemployment in Federal service.
28.7 How to order the official personnel folder.
28.8 Requests for further information.
28.9 Specifications for official personnel folder.

AUTHORITY: §§ 28.1 to 28.9, inclusive, issued under sec. 3, E. O. 9784, Sept. 25, 1946, 11 F. R. 10909, 3 CFR, 1946 Supp.

§ 28.1 *Responsibility of agency.* Each agency of the Federal Government is required to observe the following provisions concerning the use of the official personnel folder. This includes offices located outside of the continental United States, unless they are specifically excepted by the Civil Service Commission, with the approval of the Director of the Bureau of the Budget.

§ 28.2 *Designation of official folder.* Only one official personnel folder will be maintained for each active employee. This folder will be maintained at a point designated by the agency, which shall be at the point of maximum utilization.

§ 28.3 *Consolidation and standardization of content of folder.* As rapidly as resources permit, steps will be taken to rearrange the present personnel folder of each active employee in accordance with the Commission's specifications.

Folders which are transferred to other agencies, and new folders which are established, must conform to the standard specifications.

§ 28.4 *Transfer of the official personnel folders between agencies*—(a) *Manner of transfer.* Beginning April 1, 1947, whenever an employee is transferred to another agency, or to another organization within the same agency (if the official personnel folder is maintained by a

(Continued on p. 2945)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

different office) the employing agency will, upon the employee's entrance on duty, furnish the appropriate personnel office of the releasing agency with a copy of Standard Form 50, "Notification of Personnel Action," which records the transfer action and indicates the official date on which the transfer became effective. Extra single copies of Standard Form 50 for this purpose can be obtained from the Government Printing Office. The releasing agency or office, within 3 days of receipt of its copy of Standard Form 50, will transmit the official personnel folder to the new agency or office, and arrange for transmittal of the leave record.

(b) *Purging of folder* Prior to the transfer of the folder, all material filed on the left side, i. e., material of temporary value, will be removed and disposed of. Any duplicate records which may exist will also be disposed of. (See General Schedule No. 1, as revised, issued by the Archivist of the United States.)

The receiving agency will retain all records transmitted to it on the right side of the folder.

(c) *Materials to be transferred.* The material included in the Commission's specifications on the right, or permanent, side of the personnel folder constitutes the employee's official record of service and, as such, is required to be transferred. Agencies may, but are not required to, release or transfer confidential material. In making a decision as to whether confidential material should be transferred, agencies should consider that such material is being transferred to another branch of the Federal Government where it will continue to be maintained as confidential.

(d) *Record of transfer.* Upon transmittal of the official personnel folder to another agency, the releasing agency will record the name of the employee and the name and location of the agency to which the file is being transferred, together with the date of its transfer. Whenever possible, agencies should utilize for this purpose an appropriate existing record such as an employee record card. If such a record is not available, a card may be established recording the transfer.

§ 28.5 *Requests for information about employees whose folders have been transferred to other agencies.* Requests for information regarding an employee who has transferred should be forwarded for reply to the office or agency to which the employee transferred.

§ 28.6 *Official personnel folder upon reemployment in Federal service.* When a former Federal employee is reemployed, the employing agency should request his personnel folder, by letter, from the personnel office of the agency in which he was last employed.

§ 28.7 *How to order the official personnel folder.* The official personnel folder is procurable from the Treasury Department, Procurement Division, in Washington, D. C., and its Regional Supply Centers. In ordering, refer to the official personnel folder, Stock No. 53-F-4643.

§ 28.8 *Requests for further information.* Inquiries with regard to the official personnel folder should be made in writing to the Personnel Procedures and Records Project Staff, Room 216, U. S. Civil Service Commission, Washington 25, D. C.

§ 28.9 *Specifications for official personnel folder*—(a) *Type of folder.* Letter size, kraft, heavy weight, individual reinforced tab (approximately 2/5 cut right of center), contents secured with built-in metal fasteners at top of back flap and bottom of front flap. Material to be filed on permanent (or right hand) side of folder to be punched and fastened at top of sheet. Material to be filed on temporary (or left hand) side to be punched and fastened at bottom of sheet. White or buff colored labels shall be used for identifying the folder, with the employee's last name first, followed by his first name and middle initials, if any, and date of birth expressed as month, day and year, that is, 10/30/26, followed by identification number, if any. The name on the employee's personnel folder shall correspond to his name on the rolls of the agency. The title "Official Personnel Folder" will be printed on the front of the folder.

(b) *Permanent records.* On right side in chronological order, with latest paper on top, file permanent records affecting employee's status: Standard Forms 57, 58, 60, CSC Form 3821, Application for Federal Employment (earliest and latest form completed), CSC Form 2413 or Standard Form 78, Certificate of Medical Examination or Statement of Physical Fitness (when the Director of Personnel has determined that these forms will be filed in the personnel folder), Standard Form 50, Notification of Personnel Action; Request for Personnel Action, if used as the official appointing document, or as the employee's resignation; Standard Form 61, Oath of Office, Affidavit and Declaration of Appointee; Strike Affidavit; CSC Form 14, Veteran Preference Claim; evidence of satisfactory military service (this should not include the certificate of discharge, which is returned to the employee) evidence of service connected disability; notice of completion of character or loyalty investigation; official letters of commendation or reprimand; resignation; Standard Form 37, Notice of Retirement; Standard Form 51, Report of Efficiency Rating (regular official) records of completion of training courses; Civil Service examination papers; transcript of court order, in case of separation for legal incompetence; Bureau of Employees' Compensation Form C. A. 1, Employee's Notice of Injury or Occupational Disease; RET Form 46-48, Notification of approval of application for disability retirement; Official Death Notice; Standard Form 66, Inquiry Regarding Status, Veteran Preference and/or Service; CSC Form 4836 (or X63-52) 3329 (or SR 13-33) 3484, 3820, 3820a, Authorization to Confer a Competitive Status (include in folder unless the authorization has been recorded on Standard Form 50, in which case a copy of Standard Form 50 would be filed in the folder) Standard Form 84, Request for Report on Loyalty Data (copy returned from the Federal Bureau of Investigation—except as provided in FPM I2-6) The forms referred to by number include forms superseded by or superseding the forms listed, or agency forms serving the same purpose.

(c) *Temporary records.* On left side in chronological order, with the latest paper on top, file records of temporary value. In general, these are documents leading to a formal action but not constituting a record of it nor making a substantial contribution to the employee's service record. Dispose of these papers on transfer of employee to another agency or upon separation. The list that follows is intended as a guide for current personnel operations and not as a request for the creation of any records not normally used: Request for personnel action (except where used as the official appointing document or contains the employee's resignation) requests for authority and Commission's approval except CS authorization forms CSC 4836 (or X63-52), 3329 (or SR13-33) 3820 and 3820a; required records for employment of minors; letters of reference and responses to inquiries; conduct reports for pay increase (periodic); advance notices of personnel actions for such actions as demotion, pay increase, furlough, reduction in force, termination of appointment, etc., notices of proposed retirement; all personal debt correspondence; deferment and draft correspondence; miscellaneous correspondence; application for reemployment (after military service or war transfer leave without pay), Bureau of Employees' Compensation forms, except Form C.-A. 1; administrative unofficial ratings made on Standard Form 51.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-4857; Filed, June 1, 1948; 8:59 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 295—DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES FOR EXPORT

TRANSFER OF REGULATIONS

CROSS REFERENCE: For the regulations formerly appearing in this part, see Part 503 of Chapter V of this title, *infra*, where the provisions are set forth as amended.

Chapter V—Production and Marketing Administration (Diversion Programs)

PART 503—COTTON EXPORT PROGRAM

TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

The "Terms and Conditions of Cotton Sales for Export Program" dated April 22, 1946 (11 F R. 4515, 4645) as amended, is hereby amended to read as follows:

Sec.
503.1 General statement.
503.2 Eligibility for payments by the Secretary.
503.3 Approved countries.
503.4 Registration.
503.5 Satisfactory evidence of exportation.
503.6 Liquidated damages.
503.7 Books, records and accounts.
503.8 Setoffs.
503.9 Assignments.
503.10 Good faith.
503.11 Effect of changes on contracts of sale.
503.12 Amendments and termination.
503.13 Definitions.

AUTHORITY: §§ 503.1 to 503.13, inclusive, issued under sec. 32, 49 Stat. 774, as amended, 7 U. S. C. 612c.

§ 503.1 *General statement.* In order to encourage the exportation of lint cotton grown in the United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to exporters upon the terms and conditions stated herem. Information pertaining to the operation of this program can be obtained by communicating with the Director, New Orleans CCC Office, Production and Marketing Administration, Masonic Temple Building, New Orleans 12, Louisiana.

§ 503.2 *Eligibility for payments by the Secretary.* If an exporter makes a sale of a quantity of cotton to a foreign purchaser for export to an approved country, and if the sale is registered as provided in § 503.4, the exporter shall be eligible to receive a payment from the Secretary on the lint cotton exported to such approved country in fulfillment of such export sale, subject to the following additional terms and conditions:

(a) The cotton on which such payments will be made must have grown in the continental United States; must be 13/16 inch or longer in staple length; must be within the universal grade standards; and must not be reginned or reprocessed cotton, baled loose cotton, cotton pickings or other cotton waste.

(b) The payment shall be at the rate announced by the Secretary and in effect at the time the New Orleans Office receives notice of the export sale. The payment shall be based on the unpatched gross weight of such cotton (not to exceed the quantity specified in the notice of the export sale plus the tolerance, if any, specified in the export sales contract)

(c) Such cotton must have been exported by the exporter in fulfillment of the sale not later than the sailing date or month or months of shipment stated in the notice of the export sale: *Provided, however* That, upon request by the exporter, the Director of the New Orleans Office may, if he deems it desirable, grant an extension of time for exporting such cotton.

(d) Such cotton must also have been exported by the exporter in fulfillment of the sale prior to January 1, 1949: *Provided, however* That, upon request by the exporter, the Director of the New Orleans Office may, if he deems it desirable, grant an extension of time for exporting such cotton if the exporter has been or will be prevented from exporting such cotton prior to January 1, 1949, due to a cause which the Director of the New Orleans Office determines to be beyond the exporter's control. In no event shall any such extension be beyond March 31, 1949.

(e) The exporter must have submitted to the New Orleans Office satisfactory evidence (as provided in § 503.5) of the exportation of such cotton, together with an application for such payment on the voucher form specified by the New Orleans Office.

(f) The exporter to whom payment shall be made shall be the person or firm named as exporter in the notice of the export sale: *Provided,* That if the shipper or the consignor named in the bill of lading or landing certificate covering such cotton is other than the exporter named in the notice of the export sale, waiver by the shipper or consigner named in the bill of lading or landing certificate of any interest in the claim in favor of the exporter named in the notice of the export sale will be required.

(g) The foreign purchaser must not use funds made available by the United States under the Foreign Aid Act of 1947 (Public Law 389, 80th Congress) the Foreign Assistance Act of 1948, or any other statute under which funds are made available for foreign aid purposes, to pay for such cotton, and any such funds must not be used to pay for such cotton under any subsequent resale of such cotton; if any such funds are used by the foreign purchaser or any subsequent purchaser to pay for such cotton and the exporter has received a payment from the Secretary hereunder on such cotton, the exporter shall repay such payment to the Secretary. If such cotton is exported to a country which has obtained any such funds, the exporter must have submitted to the New Orleans Office a certified statement by an authorized representative of the Government agency of such country having control over the allocation of such funds that such funds have not been used and will not be used by the foreign purchaser to pay for the cotton and that such funds have not been used and will not be used to pay for the cotton under any subsequent resale of the cotton. Such certified statement shall be submitted with the evidence of exportation, unless otherwise specified by the Director of the New Orleans Office.

§ 503.3 *Approved countries.* Until and unless the Secretary otherwise announces, an approved country shall be a country to which cotton may be exported without violating any statute, or any order or regulation issued pursuant thereto. Nothing in this offer shall be deemed to authorize the exportation of cotton in violation of any such statute, order, or regulation.

§ 503.4 *Registration.* A sale of lint cotton for exportation shall be registered hereunder when, and only in the event that, the following requirements have been met:

(a) The sale must be made subsequent to the date of this offer.

(b) The country to which the cotton is sold for export must be an approved country at the time the sale is made.

(c) In the case of sales for export to Canada and Mexico, such sales must be made directly to a cotton consuming establishment in such country. The determination of the Secretary as to whether the buyer is a cotton consuming establishment shall be final.

(d) The exporter must send a notice of the export sale to the New Orleans Office by telegram filed with the telegraph company not later than twenty-four (24) hours, excluding holidays, Saturdays, and Sundays, after the sale is made. A notice of sale filed after such 24-hour period may be accepted if the Director of the New Orleans Office determines that the delay is due to circumstances beyond the control of the exporter. The notice of the export sale must state the name and address of the foreign purchaser, the basis of the sale (i. e. weight or bale), the number of bales (estimated if sale is on weight basis) the number of pounds—gross weight (estimated if sale is on bale or net weight basis), and the quality of cotton sold, the sales price, the sailing date or month or months of shipment, and the date and exact time the sale is made.

(e) There must be mailed to the New Orleans Office, within five (5) days (excluding holidays, Saturdays, and Sundays) after the sale is made, three copies of a Declaration of Export Sale (C. C. C. Cotton Form SFE–H) A declaration mailed after such 5-day period may be accepted if the Director of the New Orleans Office determines that the delay is due to circumstances beyond the control of the exporter.

(f) If the cotton is sold on type description, the notice of the export sale and the Declaration of Export Sale shall specify the type of cotton sold and the approximate grade and staple length which will be exported in fulfillment of the sale. If cotton is sold on a basis description with a range of deliverable grades and staple lengths, the notice of

the export sale and the Declaration of Export Sale must specify the range of grades and staple lengths which may be exported in fulfillment of the sale. If an exporter submits proof satisfactory to the Director of the New Orleans Office that a mistake has been made, the correction of any resulting error in the notice of the export sale or the Declaration of Export Sale will be permitted.

(g) The New Orleans Office must also be furnished with a copy of a sales contract covering the cotton sold for export, signed by both parties, and certified by the exporter as being a true and correct copy of such sales contract. Such contract must show the sales price, the date of sale, the quantity (number of bales or gross or net weight) and quality (grades and staple lengths, types, or range of grades and staple lengths) of cotton sold, the tolerance in quantity (if any) the sailing date or month or months of shipment, the country of destination, and the names and addresses of the parties to the contract, and must call for the exportation of the cotton prior to January 1, 1949. The contract must not contain any condition upon which the foreign purchaser may cancel the sale of such cotton. Such contract shall be filed with the New Orleans Office within thirty (30) days after the date the New Orleans Office receives notice of the export sale, in the case of sales for export to Canada and Mexico, and within ninety (90) days after such date, in the case of sales to other countries, unless an extension of time is granted by the Director of the New Orleans Office. At the request of the exporter the Director of the New Orleans Office may, if he deems it desirable, accept an amendment to the contract changing the quality of cotton to be delivered thereunder, the price, name of consignee, approved country of destination, or place or manner of payment.

§ 503.5 *Satisfactory evidence of exportation.* Evidence of exportation of cotton, to be satisfactory hereunder, must the following requirements:

(a) Separate documents must be submitted for each export sale, and all documents covering any cotton must be submitted at the same time.

(b) If the cotton is exported to Canada or Mexico, the exporter shall furnish two copies of the railroad bill of lading under which the cotton was shipped and an authenticated landing certificate, in duplicate, issued by an official of the government of the country to which the cotton is exported, showing the Registration Number assigned to the sale, the place and date of entry and gross landed weight of the cotton, and the name and address of both the person who exports the cotton from the United States and the person to whom it is shipped.

(c) If the cotton is exported to any other approved country, the exporter shall furnish two copies of either an on board ship bill of lading, or a port or custody or through rail-water bill of lading supported by a shipmaster's receipt or a certification by the steamship company on the bill of lading in the form prescribed by the Director of the New Orleans Office. The bill of lading must show the Registration Number assigned to the sale, the number of bales, marks, and gross weight of the cotton, the date and place of loading, the name of the vessel, the destination of the cotton, and the name and address of both the person exporting the cotton and the person to whom it is shipped.

(d) In every case, the exporter shall also furnish two copies of his customs export declaration, showing the Registration Number, certified by the customs office, and showing that the cotton was produced in the continental United States, and a reweight sheet, in duplicate, of the warehouse from which the cotton is shipped for export, dated within sixty (60) days of the date of shipment from the warehouse, certified by the warehouse, showing the number of bales and marks of the cotton and its unpatched gross weight, and showing the Registration Number. Such weight sheet shall constitute satisfactory evidence of the cotton's unpatched gross weight.

(e) The exporter shall also furnish one certified copy of his invoice to the buyer.

(f) The documents specified above must be filed with the New Orleans Office not later than forty-five (45) days after the date of the landing certificate, on board ship bill of lading, certification by the steamship company, or shipmaster's receipt. An extension of time for submission of such documents may be granted by the Director of the New Orleans Office if he determines that the exporter has been or will be delayed in submitting such documents by a cause which the Director of the New Orleans Office determines to be beyond the control of the exporter.

(g) The exporter shall also furnish any additional evidence of exportation which may be requested by the Director of the New Orleans Office.

(h) If cotton is loaded on board a vessel for shipment to an approved country and is destroyed or damaged while on board such vessel, and the cotton or salvage therefrom does not reenter the United States, for the purposes of this program the cotton shall be regarded as having been exported.

§ 503.6 *Liquidated damages.* (a) In all cases in which an exporter gives the New Orleans Office notice of an export sale pursuant to § 503.4 and fails to file with the New Orleans Office evidence that the quantity of cotton specified in the notice of the sale less the tolerance, if any, specified in the exporter's sales contract was exported in fulfillment of the export sale prior to January 1, 1949, or during any extension of time granted under § 503.2 (d) hereof, the exporter shall pay to the Secretary, in care of the New Orleans Office, as liquidated damages, the sum of five cents or two and one-half times the rate of payments per pound in effect at the time the notice of the sale was filed, whichever is the greater, with respect to each pound of such cotton for which the exporter fails to file such evidence of exportation. In determining the amount of such damages, if the sale is registered on a bale basis, 515 pounds shall be taken to be the weight of each bale for which the exporter fails to file such evidence of exportation. If the sale is registered on a weight basis, the gross weight of the cotton exported in fulfillment of the sale shall, for the purposes of this § 503.6, be determined in the manner in which it is to be determined under the export sales contract.

(b) In all cases in which cotton on which a payment has been made hereunder reenters the United States or its possessions in the form of raw cotton (including damaged cotton or salvage or pickings from cotton damaged by fire or otherwise), unless such cotton reenters pursuant to Proclamation No. 2544 by the President of the United States, the exporter shall pay to the Secretary, in care of the New Orleans Office, as liquidated damages, the sum of five cents or two and one-half times the rate of payment per pound, whichever is greater, with respect to each pound of such cotton.

(c) Notwithstanding the provisions of paragraph (a) of this section, if the Director of the New Orleans Office determines that an exporter will be unable to export part or all of the cotton covered by an export sale due to a cause which the Director of the New Orleans Office determines to be beyond the exporter's control or if the exporter is unable to obtain a sales contract meeting the requirements of § 503.4 (g) and if the exporter requests that the registration of the sale of such cotton be canceled, the Director of the New Orleans Office may cancel the registration of the sale of such cotton. If the registration of the sale of such cotton is canceled, the exporter shall not be liable for the payment of liquidated damages under this section for failure to export such cotton in fulfillment of the sale, and the exporter shall have no rights hereunder with respect to the export sale of such cotton.

(d) Notwithstanding the provisions of paragraph (a) of this section if an exporter is unable, because of the destruction of cotton shipped to Mexico or Canada by rail in fulfillment of an export sale, to furnish evidence of exportation of such cotton prior to January 1, 1949, or during any extension thereof, and if title to the cotton was in the foreign purchaser at the time it was destroyed, the exporter shall not be liable for the payment of liquidated damages under this section with respect to such cotton, and the exporter shall have no rights hereunder with respect to the export sale of such cotton. In any such case, the New Orleans Office must be notified of the destruction of the cotton and the Registration Number assigned to the sale, and the exporter shall furnish such proof of destruction and passage of title as the Director of the New Orleans Office may require.

(e) If an exporter files evidence that cotton was exported prior to January 1, 1949, or during any extension thereof, in fulfillment of an export sale, the exporter shall not be liable for the payment of liquidated damages under this

section with respect to such cotton even though such cotton is paid for by the foreign purchaser from funds made available under the Foreign Aid Act of 1947, the Foreign Assistance Act of 1948, or any other statute under which funds are made available for foreign aid purposes or even though such cotton does not meet the requirements of § 503.2 (a) however, no payment will be made on any such cotton hereunder.

§ 503.7 *Books, records and accounts.* Each exporter shall make available to the Secretary, from time to time, as he may request, such of exporter's, and such of his affiliates' and subsidiaries' books, records, accounts, and other documents and papers as the Secretary may deem pertinent to any transaction hereunder. Upon the Secretary's request, the exporter shall request warehousemen, cotton merchants, ginners and others to make their records available on any cotton which they sell or otherwise handle for the exporter hereunder. The exporter shall also furnish to the Secretary, in care of the New Orleans Office, such information and reports as he may from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The specific reporting requirements hereof have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 503.8 *Setoffs.* The Secretary may set off against any amount owed to any exporter hereunder any amount owed by the exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 503.9 *Assignments.* No exporter shall, without the written consent of the Secretary, assign any right of the exporter against the Secretary hereunder.

§ 503.10 *Good faith.* If the Secretary determines that any exporter has not acted in good faith in connection with any transaction hereunder or has failed to discharge fully any obligation assumed by him hereunder, such exporter may be denied the right to register export sales hereunder or the right to receive payments hereunder in connection with any previously registered sales.

§ 503.11 *Effect of changes on contracts of sales.* Notwithstanding the other provisions of this offer, if an exporter offers, by telegraph or cable, to sell lint cotton grown in the continental United States to a foreign purchaser for export to an approved country and the foreign purchaser accepts the offer, by telegraph or cable, and if approval of the country is withdrawn by the Secretary, the export differential hereunder is changed, or this offer is amended or terminated, before the New Orleans Office receives notice of the export sale, such withdrawal, change, amendment, or termination shall not be applicable to such export sale, provided the exporter (a) submits proof satisfactory to the Director of the New Orleans Office that the telegram or cable of acceptance was received at an office of the telegraph or cable company in the United States before the effective date and time of the withdrawal, change, amendment, or termination, and (b) registers the sale in accordance with the provisions of § 503.4.

§ 503.12 *Amendments and termination.* This offer may be amended or terminated at any time without previous notice thereof; however, public announcement of such amendment or termination will be made promptly. A copy of every amendment will be mailed promptly to each exporter operating under the program as reflected by records of the New Orleans Office. Notice of the termination of this offer will be telegraphed to each such exporter. Any such amendment or termination shall not be applicable to export sales of which the New Orleans Office receives notice prior to the effective date and time of such amendment or termination but shall be applicable to all export sales of which the New Orleans Office has not received notice prior to the effective date and time thereof, subject to the provisions of § 503.11 hereof.

§ 503.13 *Definitions.* (a) "Exporter" means any individual, corporation, partnership, association, any approved country or any agency thereof, or other business entity engaged in the business of exporting cotton.

(b) "Public announcement" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

(c) "Secretary" means the Secretary of Agriculture or his authorized representative.

(d) "The New Orleans Office" means the New Orleans CCC Office, Production and Marketing Administration, U. S. Department of Agriculture.

(e) "Sale" includes a contract to sell.

(f) If cotton is exported to an approved country other than Canada or Mexico by an exporter in fulfillment of an export sale, the date of the on board ship bill of lading, shipmaster's receipt, or certification by the steamship company on the port or custody or through rail-water bill of lading under which the cotton was shipped will be accepted hereunder as the date of exportation of the cotton. If cotton is exported to Canada or Mexico by an exporter in fulfillment of an export sale, the date of the railroad bill of lading under which the cotton was shipped will be accepted hereunder as the date of exportation of the cotton if the date of entry shown on the landing certificate is not more than forty-five (45) days after the date of the bill of lading.

(g) "Tolerance" shall be any variation in quantity allowed under any export sales contract.

Effective date. This offer shall be effective on June 2, 1948.

Dated this 27th day of May 1948.

[SEAL] RALPH S. TRIGG,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 48-4869; Filed, June 1, 1948; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[Revision 2]

PART 821—SUGAR QUOTAS

DETERMINATION OF AMOUNTS OF SUGAR NEEDED TO MEET REQUIREMENTS OF CONSUMERS IN CONTINENTAL UNITED STATES FOR 1948

Basis and purpose. The second revised determination set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secretary shall revise the determination of sugar consumption requirements at such times during the calendar year as may be necessary. It now appears that the revised estimate of consumption requirements for the calendar year 1948, announced on February 26, 1948, was too high. The purpose of this revision is to make such estimate conform to the requirements presently indicated on the basis of the factors specified in section 201 of the act.

Since the determination of sugar consumption requirements is an important price factor, compliance with the notice and procedure requirements of the Administrative Procedure Act (60 Stat. 237) is likely to result in excessive speculation and disorderly marketing of sugar. Moreover, in order effectively to carry out the purposes of the Sugar Act, it is necessary that the revision in the determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

Section 821.1 of the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States for 1948, as amended, (13 F R. 131, 1145) is hereby revised to read as follows:

§ 821.1 *Determination of the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1948.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1948 is hereby determined to be 7,000,000 short tons, raw value.

Statement of bases and considerations. On January 2, 1948, it was announced that the amount of sugar needed to meet the requirements of consumers in the continental United States in the calendar year 1948 was 7,800,000 short tons, raw value. Because it became apparent in January and February that exceptionally large stocks of sugar were held by household consumers on December 31, 1947, and in view of the fact that total distribution during the months of January and February would be approximately 300,000 short tons, raw value, less than the quantity which

would normally have been distributed during those months under an estimate of consumption requirements in the amount of 7,800,000 short tons, raw value, it was announced on February 26, 1948, that the determination of sugar consumption requirements for the continental United States was reduced to 7,500,000 short tons, raw value. This reduction was made by allowing for a net inventory surplus of 250,000 short tons, raw value, instead of the deficiency of 50,000 short tons, raw value, provided for in the original announcement of January 2, 1948.

Since the announcement of February 26, 1948, the distribution of sugar has continued at low levels throughout the months of March and April. The basic prices of both refined cane and beet sugar at wholesale have declined substantially below those prevailing on January 1, 1948. The distribution of sugar during the first four months of 1948 has been at a rate far less than sufficient to absorb 7,500,000 short tons, raw value, during 1948, in addition to the surplus inventories which existed at the beginning of the year. This low distribution has occurred despite the fact that the present price of sugar is more than 1 cent per pound below the average price which would reflect the relationship between the price of sugar and the cost of living required by the act to be taken into consideration. It is necessary, therefore, to revise the determination of sugar consumption requirements for the continental United States during 1948 originally announced on January 2, 1948, and amended on February 26, 1948.

Pursuant to the provisions of section 201 of the act, determination of sugar consumption requirements has been based upon the following:

1. *Quantity of direct-consumption sugar distributed for consumption during the twelve-months' period ending October 31 next preceding the calendar year for which the determination is being made.* For the twelve months ended October 31, 1947, there were distributed 7,431,000 short tons, raw value, of direct-consumption sugars.

2. *Allowances for a deficiency or surplus of inventories of sugar.* The initial consumption estimate dated January 2, 1948 (13 F. R. 131) as revised by Revision 1, dated February 26, 1948 (13 F. R. 1145) made a net allowance of 250,000 short tons, raw value, for inventory surplus.

Final revisions in reports of visible inventories in the hands of primary distributors (other than beet processors and continental cane processors) increase the surplus of such inventories from 135,000 to 145,000 short tons, raw value. Continued low distribution is evidence that inventory requirments are less than those previously anticipated. In view of these considerations, an allowance is made for a net total of 350,000 short tons, raw value, for inventory surplus, as of December 31, 1947.

3. *Allowances for changes in consumption because of changes in population and demand conditions including the level and trend of purchasing power.* The total population in the United States is increasing and the index of industrial workers' incomes is high in comparison with prewar levels. However, these and similar measures of demand are not expected to increase sufficiently during the remainder of the calendar year 1948 to bring about a major increase in the basic demand for sugar above the level that has prevailed for the calendar year to date. A net additional allowance is warranted only for changes in population. This allowance is 119,000 short tons, raw value.

4. *The relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtained during 1947 prior to the termination of price control of sugar* During the first ten months of 1947 the average basis price for refined cane sugar at wholesale was 8.26 cents per pound. During the same period the consumers' price index averaged 157.8. On the basis of available information it appears that maintenance of a ratio of sugar prices to cost-of-living in 1948 equivalent to the ratio prevailing during the first ten months of 1947 requires an increase over the present price of sugar. Accordingly, a further reduction of 200,000 short tons, raw value, is provided for in this revision of the determination of the consumption requirement to obtain "prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry * * *"

It is hereby found and concluded that the determination made above will provide a supply of sugar which will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

(Secs. 201, 403, Pub. Law 388, 80th Cong; 61 Stat. 922)

Done at Washington, D. C. this 25th day of May 1948. Witness my hand and the seal of the Department of Agriculture.

[SEAL] N. E. DODD,
Acting Secretary.

[F. R. Doc. 48-4848; Filed, June 1, 1948; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs. Serial No. SR-322]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

RESORT AIRLINES, INC., AIR TOUR OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of May 1948.

The purpose of this regulation is to permit Resort Airlines, Inc. to operate certain all-expense air tours pursuant to the certification and operations requirements of Part 42 of the Civil Air Regulations.

Resort Airlines, Inc., an air carrier engaged in nonscheduled operations conducted pursuant to provisions of Part 42 of the Civil Air Regulations, has been authorized by the Board by Exemption Order Serial No. E-1624, dated May 25, 1948, to perform not to exceed eight all-expense "circle tours," as more particularly set forth in such exemption order. That order, issued by the Board pursuant to Title IV of the Civil Aeronautics Act, exempts such air carrier from certain of the economic requirements of that title, and permits it to perform the contemplated tours in scheduled interstate air transportation without a certificate of public convenience and necessity.

Although the proposed tours will be operated on a scheduled basis, the operation more closely resembles that conducted by nonscheduled air carriers than it does a true scheduled service. Technically, however, Resort Airlines, Inc., would be required to comply with the air carrier certification requirements of Part 40 and with the air carrier operating rules of Part 61 of the Civil Air Regulations, instead of the more appropriate requirements and rules set forth in Part 42 of the Civil Air Regulations. The Board finds that the scheduled nature of the operation proposed by Resort Airlines, Inc. will not increase the hazards involved.

Unless relief from this technicality is forthcoming, the carrier will not be able to conduct the proposed tours which the Board has authorized pursuant to the aforesaid exemption order.

For the reasons set forth above, notice and public procedure hereon are unnecessary, and the Board finds that good cause exists to make this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective immediately.

Notwithstanding provisions of the Civil Air Regulations to the contrary, Resort Airlines, Inc. shall be permitted to conduct all-expense air tours on a scheduled basis carrying passengers and passengers' baggage only, when operating in accordance with the Board's Order Granting Temporary Exemption Serial Numbered E-1624, or any extension or modification thereof, pursuant to and after appropriate certification under Part 42 of the Civil Air Regulations.

(Secs. 205 (a) 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a) 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-4873; Filed, June 1, 1948; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51923]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

EXEMPTIONS FROM INVOICE REQUIREMENTS

Section 8.15 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.15 (a)),

as amended, is hereby further amended by adding a new subparagraph (30) reading as follows:

§ 8.15 *When certified invoices not required.* (a) * * *

(30) Public documents, accorded free entry under paragraph 1629, Tariff Act of 1930.

(Sec. 484, 46 Stat. 722, sec. 12, 52 Stat. 1083, secs. 498, 624, 46 Stat. 728, 759; 19 U. S. C. 1484, 1498, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: May 25, 1948.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F R. Doc. 48-4859; Filed, June 1, 1948; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFCATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11, 21 U. S. C., Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F R. 2215) and certification of batches of penicillin- or streptomycin-containing drugs (12 F R. 2231) as amended, are hereby further amended as indicated below:

1. In § 141.8 *Penicillin ointment,* paragraph (a) *Potency,* the first two sentences of the second paragraph are amended to read: "Accurately weigh the container and contents and place 0.5 to 1.0 gm. into a separatory funnel containing approximately 50 ml. of peroxide-free ether. Reweigh the container to obtain weight of ointment used in the test."

2. In § 141.8 *Penicillin ointment,* paragraph (c) *Microorganism count,* is amended by deleting the fifth and sixth sentences and substituting therefor the following: "Accurately weigh the container and contents, place in incubator at 37° C. for one hour, then place 0.1 to 0.5 gm. of the ointment onto the agar surface. Reweigh the container to obtain weight of ointment used in test."

3. In § 146.26 *Penicillin ointment (calcium penicillin ointment, penicillin ointment calcium salt, crystalline penicillin ointment)* the third sentence of paragraph (a) *Standards of identity, strength, quality and purity,* is amended to read: "Its potency is not less than 250 units per gram, except if it is packaged and labeled solely for udder instillations of cattle its potency is not less than 2,000 units per gram."

4. In § 146.26, paragraph (b) is amended to read:

(b) *Packaging.* Penicillin ointment shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U. S. P., and shall not be larger than the one-eighth-ounce size if such ointment is represented for opthalic use and in no case larger than the two-ounce size, except if it is labeled solely for udder instillations of cattle it may be packaged in immediate containers of transparent glass which meet the test for tight containers as defined by the U. S. P. Each such glass container shall be so sealed that the contents cannot be used without destroying such seal and shall be closed by a substance through which a hypodermic needle may be introduced and withdrawn without destroying its effectiveness. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

5. In § 146.26, subparagraph (1) of paragraph (c) *Labeling,* is amended by adding the following new subdivision:

(iv) If it is labeled solely for udder instillations of cattle and is packaged in glass containers, the statements "Not for injection," "For Udder Instillations of Cattle Only," and "Shake Well."

6. In § 146.47 *Procaine penicillin for aqueous injection,* the second sentence in paragraph (b) *Packaging* is amended by changing the clause "each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units or 1,500,000 units" to read "each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units or 3,000,000 units * * *"

This order, which provides for penicillin ointment to be packaged in glass containers when packed solely for udder instillations of cattle and for procaine penicillin for aqueous injection to be packaged in a 3,000,000-unit size, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay the packaging of penicillin ointment in glass containers when labeled solely for udder instillations of cattle and for packaging procaine penicillin for aqueous injection in 3,000,000-unit containers.

(52 Stat. 1040, as amended by 59 Stat. 463, 61 Stat. 11, 21 U. S. C., 357)

Dated: May 26, 1948.

[SEAL] OSCAR R. EWING,
Administrator

[F. R. Doc. 48-4847; Filed, June 1, 1948; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter J—Heirs and Wills

PART 83—ACTIONS ON WILLS OF OSAGE INDIANS

Sec.
83.1 Definitions.
83.2 Attorneys.
83.3 Pleadings, notice and hearings.
83.4 Service on interested parties.
83.5 Minors represented at hearings.
83.6 Examination of witnesses.
83.7 Limiting number of witnesses.
83.8 Supplemental hearing.
83.9 Briefs.
83.10 Record.
83.11 Inspection of wills and approval as to form during testator's lifetime.
83.12 Approval.
83.13 Government employees as beneficiaries.
83.14 Appeals.

AUTHORITY: §§ 83.1 to 83.14 inclusive, issued under 37 Stat. 86; 43 Stat. 1008; 60 Stat. 939; 5 U. S. C. 22.

§ 83.1 *Definitions.* When used in the regulations in this part the following words or terms shall have the meaning shown below:

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Superintendent" means the Superintendent of the Osage Indian Agency.

(d) "Special Attorney" means the Special Attorney for Osage Indians, or other legal officer designated by the Commissioner.

§ 83.2 *Attorneys.* Interested parties may appear in person or by attorneys at law. Attorneys must file written authority to appear for their clients in the proceedings.

§ 83.3 *Pleadings, notice and hearings.* The petition for approval of the will of a deceased Osage Indian may be set down for hearing at a date not less than thirty (30) days from the date the petition is filed. Hearings shall be conducted only after notice of the time and place of such hearings shall have been given by mail. The notice shall be mailed not less than ten (10) days preceding the date of the hearing and shall state that the Special Attorney will, at the time and place specified therein, take testimony to determine whether the will of the deceased Osage Indian shall be approved or disapproved. The notice shall list the presumptive heirs of the decedent and the beneficiaries under such will, and shall notify the attesting witnesses to be present and testify. It shall state that all persons interested in the estate of the decedent may be present at the hearing. The notice shall further state that the Special Attorney may, in his discretion, continue the hearing to another time or place to be announced at the original hearing.

Any interested party desiring to contest approval of the will may, not less than five (5) days before the date set for hearing, file written objections in tripli-

cate, showing that a copy thereof was served upon attorneys for the proponent and other attorneys of record in the case. Such contestant shall clearly state the interest he takes under the will and, if a presumptive heir, the interest he would take under the Oklahoma law. The contestant shall further state specifically the ground on which his contest is based.

§ 83.4 *Service on interested parties.* A copy of the notice of hearing shall be served by mail, at his last known place of residence, on each presumptive heir; each beneficiary under the will offered for consideration; and each attesting witness thereto. Such notice must be mailed not less than ten (10) days preceding the date set for the hearing.

§ 83.5 *Minors represented at hearings.* Minor heirs at law, who by the terms of the will are devised a lesser interest in the estate than they would take by descent, or whose interests are challenged, shall, with approval of the Special Attorney, be represented at the hearing by guardians ad litem. Such minors fourteen (14) years of age or over may indicate in writing their choice of guardians ad litem. If no such choice has been indicated on the date of the hearing, the Special Attorney shall make the selection and appointment.

§ 83.6 *Examination of witnesses.* All testimony taken at the hearing shall be reduced to writing. Any interested party may cross-examine any witness. Attorneys and others will be required to adhere to the rules of evidence of the State of Oklahoma. If, in addition to oral testimony, affidavits or dispositions are introduced, they must be read, and any opposing claimant may require the presence of the affiant, if practicable, either at that or a subsequent hearing, and opportunity shall be given for cross-examination or for having counter interrogatories answered.

§ 83.7 *Limiting number of witnesses.* When the evidence seems clear and conclusive, the Special Attorney may, in his discretion, limit the number of witnesses to be examined formally upon any matter.

§ 83.8 *Supplemental hearing.* When it appears that a supplemental hearing is necessary to secure material evidence, such a hearing may be conducted after notice has been given to those persons on whom notice of the original hearing was served and to such other persons as the testimony taken at the original hearing indicates may have a possible interest in the estate.

§ 83.9 *Briefs.* When there are two or more parties with conflicting interests, the party upon whom the burden of proof may fall may be allowed a reasonable time, not to exceed thirty (30) days following the conclusion of the hearing, in which to file a brief or other statement of his contentions, showing service on opposing counsel or litigant. The latter shall then be allowed not to exceed twenty (20) days in which to file an answer brief or statement, and his opponent shall have ten (10) days thereafter to file a reply brief or statement. Upon proper showing the Special Attorney may grant extensions of time. Each brief or statement shall be filed in duplicate.

§ 83.10 *Record.* After the hearing or hearings on the will have been terminated the Special Attorney shall make up the record and transmit it with his recommendation to the Superintendent. The record shall contain:

(a) Copy of notices mailed to the attesting witnesses and the interested parties.

(b) Proof of mailing of notices.

(c) The evidence received at the hearing or hearings.

(d) The original of the will or wills considered at the hearings.

(e) A copy of all the pleadings.

The record, except the original will, shall be a part of the permanent files of the Osage Agency.

§ 83.11 *Inspection of wills and approval as to form during testator's lifetime.* When a will has been executed and filed with the Superintendent during the lifetime of the testator, the will shall be considered by the Special Attorney who may endorse on such will "approved as to form" A will shall be held in absolute confidence and its contents shall not be divulged prior to the death of the testator.

§ 83.12 *Approval.* After hearings have been concluded in conformity with this part the Superintendent shall approve or disapprove the wills of deceased Osage Indians.

§ 83.13 *Government employees as beneficiaries.* In considering the will of a deceased Osage Indian the Superintendent may disapprove any will which names as a beneficiary thereunder a government employee who is not related to the testator by blood, or otherwise the natural object of the testator's bounty.

§ 83.14 *Appeals.* Upon his final action of approval or disapproval of a will the Superintendent shall immediately notify by mail all attorneys appearing in the case, together with interested parties who are not represented by attorneys. Any party desiring to appeal from the action of the Superintendent, within ten (10) days of the date of the mailing of such notice, shall notify the the Superintendent in writing of his intention to appeal to the Commissioner and shall within thirty (30) days from the mailing date of such notice by the Superintendent, perfect his appeal to the Commissioner by service of the same upon the Superintendent, who will promptly transmit the entire record to the Commissioner for his consideration and action. The action of the Commissioner on the appeal is subject to the right of further appeal to the Secretary. On final action by the Commissioner, or the Secretary, the will shall be returned to the Superintendent for appropriate disposition. If no notice of appeal is given within ten (10) days, the Superintendent's action will become final.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

MAY 26, 1948.

[F. R. Doc. 48-4832; Filed, June 1, 1948; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Secretary of Defense

[Transfer Order 12]

TRANSFER OF CERTAIN FUNCTIONS RELATED TO REPAIRS AND UTILITIES FROM DEPARTMENT OF ARMY TO DEPARTMENT OF AIR FORCE

Pursuant to the authority vested in me by the National Security Act of 1947, (Act of July 26, 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force, insofar as they pertain to the Department of the Air Force or the United States Air Force or their property and personnel, the functions, powers and duties relating to repairs and utilities which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department by the following laws, parts of laws and Executive orders, as limited by other laws, parts of laws and Executive orders, not specifically set forth herein:

(1) Act of December 1, 1941, c. 552, sec. 1, (55 Stat. 787; 10 U. S. C. 181b).

(2) Act of July 2, 1940, c. 508, sec. 1 (b), (54 Stat. 712; 50 App. U. S. C., Supp. V. 1171).

(3) Act of May 12, 1917, c. 12, (40 Stat. 74; 10 U. S. C. 1333).

(4) Act of October 6, 1942, c. 580, (56 Stat. 769; 10 U. S. C. 1337a).

(5) Act of July 30, 1947, c. 394, sec. 1 and 5, (61 Stat. 675; Public Law 284, 80th Congress)

(6) Act of February 27, 1893, c. 163, (27 Stat. 484), as amended by the Act of August 24, 1912, c. 391, sec. 3, (37 Stat. 591; 10 U. S. C. 1336)

(7) Act of August 12, 1935, c. 511, sec. 3, (49 Stat. 611, 10 U. S. C. 1343c).

(8) Act of June 12, 1906, c. 3073 (34 Stat. 250) as amended by the Act of August 24, 1912, c. 391, sec. 3 (37 Stat. 591; 10 U. S. C. 1240).

(9) Act of July 9, 1918, c. 143, subch. XX, (40 Stat. 893) as amended by the Act of May 29, 1928, c. 901, sec. 1, (45 Stat. 989; 10 U. S. C. 1287).

(10) Act of November 4, 1918, c. 201, sec. 1, (40 Stat. 1028; 10 U. S. C. 1286)

(11) Act of July 30, 1947, c. 357, (61 Stat. 551, Public Law 267, 80th Congress)

(12) Act of June 26, 1934, c. 756, sec. 10 (a), (48 Stat. 1229; 31 U. S. C. 725i)

(13) Act of March 2, 1861, (R. S. 3732), as amended by the Act of June 12, 1906, c. 3078, (34 Stat. 255; 41 U. S. C. 11)

(14) All other laws, parts of laws, including applicable provisions of Appropriations Acts, and Executive Orders which vest in the Secretary of the Army or the Department of the Army or any officer of that Department, functions, powers and duties relating to repairs and utilities insofar as they pertain to the Department of the Air Force or the United States Air Force or their property and personnel.

2. It is expressly determined that the transfers herein specified are necessary and desirable for the operation of the Department of the Air Force and the United States Air Force.

3. The Secretary of the Army, Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

4. Nothing contained in this order shall operate as a transfer of funds.

5. This order shall be effective at 12:00 noon, May 14, 1948.

JAMES FORRESTAL,
Secretary of Defense.

MAY 14, 1948.

[F. R. Doc. 48-4833; Filed, June 1, 1948; 8:45 a. m.]

TITLE 37—PATENTS AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT

MISCELLANEOUS AMENDMENTS

1. The first sentence of § 201.19 *Ad interim applications (Form A4)* is amended to read: "In the case of a book first published abroad in the English language registration of the claim to an ad interim copyright will be made upon the deposit in the Copyright Office of one complete copy of the foreign edition, with a properly executed application on Form A-foreign and the statutory registration fee of $4."

2. Section 201.21 is amended to read:

§ 201.21 *Copyright registration fees.* The statutory fee for the registration of a claim to copyright in any work, except a print or label used for articles of merchandise, is $4, and for the registration of a claim to copyright in a print or label used for articles of merchandise is $6, which fees shall include a certificate of registration under seal for each work registered.

Registration fees and all other remittances sent to the Copyright Office should be by means of a money order, postal note, check or bank draft made payable to the Register of Copyrights. Postage stamps should not be sent for fees. Coin or currency inclosed in letters or packages will be at remitter's risk.

Persons or firms may for their own convenience deposit in the Copyright Office a sum of money in advance, against which copyright fees will be charged.

3. The second paragraph of § 201.22 (a) is amended to read:

§ 201.22 *Assignment of copyright*—(a) *Procedure.* * * *

After the assignment has been recorded it will be returned by registered mail, if the post-office registration fee is sent for that purpose.

4. Section 201.22 (b) is amended to read:

(b) *Fee.* The statutory fee for recording every assignment, agreement, power of attorney, or other paper not exceeding six pages is $3 and for each additional page or less, 50 cents. There is an indexing charge of 50 cents for each title listed, in excess of one, in the paper recorded.

5. The last sentence of § 201.22 (c) is hereby revoked.

6. A sentence is hereby added to the first paragraph of § 201.23 *Notice of user of musical compositions:* "The statutory fee for recording a notice of use is $2 for each notice of not more than five titles; and 50 cents for each additional title."

7. Section 201.24 (b) is amended to read:

(b) *Fee.* The statutory fee for recording the renewal of copyright and issuance of certificate therefor is $2.

8. The last paragraph in § 201.25 is amended to read:

§ 201.25 *Searches.* * * *

The statutory fee for any requested search of Copyright Office records, or works deposited, or services rendered in connection therewith is $3 for each hour of time consumed.

9. Section 201.26 is hereby added to Part 201, Chapter II of Title 37.

§ 201.26 *Catalog of copyright entries.* The annual subscription price for the complete yearly Catalog of Copyright Entries, Third Series, is $20, payable in advance to the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., to whom orders for the complete catalog or any of its parts should be addressed.

The third series, inaugurated with 1947 registrations, is published in the following parts, which can be individually purchased at the annual subscription price noted after each title. Most parts are published in semi-annual numbers at half the price of the annual subscription.

Part 1A—Books and Selected Pamphlets, $3.

Part 1B—Pamphlets, Serials and Contributions to Periodicals, $3.

Part 2—Periodicals, $2.

Parts 3 and 4—Dramas and Works Prepared for Oral Delivery, $2.

Part 5A—Published Music, $3.

Part 5B—Unpublished Music, $3.

Part 6—Maps, $1.

Parts 7-11A—Works of Art, Reproduction of Works of Art, Scientific and Technical Drawings, Photographic Works, Prints and Pictorial Illustrations, $2.

Part 11B—Commercial Prints and Labels, $2.

Parts 12 and 13—Motion Pictures, $1.

Part 14A—Renewal Registrations—Literature, Art, Film, $1.

Part 14B—Renewal Registrations—Music, $2.

(Sec. 207, Pub. Law 281, 80th Cong., secs. 211, 215, Pub. Law 501, 80th Cong.)

[SEAL] SAM B. WARNER,
Register of Copyrights.

Approved: May 27, 1948.

LUTHER H. EVANS,
Librarian of Congress.

[F. R. Doc. 48-4856; Filed, June 1, 1948; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

INTERNATIONAL (FOREIGN) PARCEL POST; GENERAL PROHIBITIONS AND RESTRICTIONS

In § 127.57 *To all foreign countries* (13 F. R. 916), make the following change:

Amend paragraph (j) to read as follows:

(j) Explosive and inflammable articles and articles which, in any way, may damage or destroy the mails or injure the persons handling them. This includes inflammable liquids having a flash point of 80 degrees F or lower; inflammable solids which are liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes; oxidizing materials such as chlorates, permanganates, peroxides or nitrates, which yield oxygen readily to stimulate the combustion of organic matter; and poisonous articles or substances.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-4834; Filed, June 1, 1948; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PARCELS FOR FOREIGN COUNTRIES; EXPORT DECLARATIONS

In § 127.86 *Export declarations* (13 F. R. 920) make the following change:

In paragraph (a) amend subparagraphs (2) and (3) to read as follows:

(2) From continental United States to its noncontiguous territories or possessions[1] except the Canal Zone, Alaska, and Hawaii; and

(3) From noncontiguous territories or possessions[1] of the United States except Wake Island, Midway Island, Alaska, Hawaii, and the Canal Zone to continental United States;

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-4836; Filed, June 1, 1948; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

INTERNATIONAL AIR PARCEL POST

In § 127.390 *International air parcel post* (13 F. R. 1341) make the following changes:

1. Append to paragraph (e) the following note:

NOTE: Parcels addressed to Faroe Islands will be given air service to Denmark if prepaid at the proper air parcel rate. However, air parcel service is not available for parcels addressed to Greenland.

Parcels addressed to Crete and the Dodecanese Islands will be given air service to Greece if prepaid at the proper air parcel rate.

Parcels addressed to Labrador will be given air service to Newfoundland if prepaid at the proper air parcel rate.

Parcels addressed to Spitzbergen will be given air service to Norway if prepaid at the proper air parcel rate.

Parcels addressed to Liechtenstein will be given air service to Switzerland if prepaid at the proper air parcel rate.

Parcels addressed to Provinces of Cape of Good Hope, Natal (including Zululand and Amatongaland), Orange Free State and Transvaal, also British Bechuanaland, Swaziland and Basutoland, will be given air service to the Union of South Africa if prepaid at the proper air parcel rate. However, air parcel service is not available for parcels addressed to Rhodesia (Northern and Southern), Nyasaland Protectorate, or South-West Africa.

2. Append to paragraph (f) the following note:

NOTE: The weight of customs declarations and other postal forms will not be included with that of the parcel in determining the amount of postage required.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-4835; Filed, June 1, 1948; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Order 309]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATION OF AUTHORITY TO CHIEFS OF DIVISIONS AND CHIEFS OF SUBDIVISIONS OF DIVISIONS

MAY 19, 1948.

§ 50.354 *Functions of the chief of the Division of Engineering and the chiefs of subdivisions of that division, with respect to the acceptance of surveys.* The chief of the Division of Engineering and the chiefs of subdivisions of that division may act for the director in the acceptance of all types of surveys.

(Sec. 3, 60 Stat. 238; 5 U. S. C. 1002)

MARION CLAWSON,
Director.

[F. R. Doc. 48-4875; Filed, June 1, 1948; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 26]

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR SOYBEANS

NOTICE OF HEARINGS ON PROPOSED AMENDMENTS

Notice is hereby given that the United States Department of Agriculture has under consideration certain proposed changes in the official grain standards of the United States for soybeans (7 CFR Cum. Supp. 26.601 et seq.) promulgated under the authority of the United States Grain Standards Act, 1916, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq.) The proposed amendments were submitted by two grain dealers' associations and one agricultural association, with the request that they be made effective at the earliest possible date.

Pursuant to the provisions of Administrative Procedure Act (60 Stat. 237) public hearings will be held and written communications will be received in order that all interested parties may have an opportunity to express their views on the following proposals for revision of the standards:

(1) It is proposed to delete all reference to "Dockage" in the official grain standards of the United States for soybeans; to combine into one grading factor, to be designated as "Foreign Material," all of the material now defined as "Dockage" and the material now defined as "Foreign Material Other Than Dockage"; to retain the present maximum limits now provided in each of the numerical grades for "Foreign Material Other Than Dockage" and to make them applicable to the proposed combination of the two factors. An alternate proposal is to increase the present maximum limits for "Foreign Material Other Than Dockage" 1 percent in each numerical grade and make them applicable to the proposed combination of the two factors.

(2) It is further proposed to increase the maximum limits for "Splits" 5 percent in each of the numerical grades.

(3) It is also proposed to decrease the maximum limits for moisture 1 percent in each numerical grade. An alternate proposal is to decrease the maximum limits for moisture 2 percent in each numerical grade.

The United States Grain Standards Act requires that public notice be given of the modification of Standards adopted under its provisions, not less than 90 days in advance of the effective date of such modification. Consequently, the earliest possible effective date for the proposed amendments of the soybean standards would be about November 1, 1948.

Informal hearings will be held in Toledo, Ohio; Chicago, Illinois; Cedar Rapids, Iowa; and Decatur, Illinois; at which interested persons may submit their views and opinions orally or in writing with respect to the desirability of promulgating the requested amendments, and related matters. The times and places of such hearings will be as follows:

June 23, 1948, 2:30 p. m., 3d Floor, Produce Exchange Building, St. Clair and Madison Avenues, Toledo, Ohio.

June 25, 1948, 2:00 p. m., Room 660, Board of Trade Building, Chicago, Illinois.

June 28, 1948, 2:00 p. m., Assembly Room, Chamber of Commerce Building, Cedar Rapids, Iowa.

June 30, 1948, 2:00 p. m., Decatur Club Building, Decatur, Illinois.

Interested persons may also submit written data, views, or arguments to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than July 10, 1948.

Consideration will be given to all information obtained at the hearings, to written data, views, and arguments received not later than July 10, 1948, and to all other information available in the United States Department of Agriculture before a decision is made as to whether or not any amendments to the official grain standards of the United States for soybeans shall be promulgated.

Robert E. Black, Grain Branch, Production and Marketing Administration, is hereby designated to conduct the hearings held pursuant to this notice.

Issued this 26th day of May 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-4849; Filed, June 1, 1948; 8:48 a. m.]

[7 CFR, Part 953]

LEMONS IN CALIFORNIA AND ARIZONA

FILING OF REPORTS AND ISSUANCE OF CERTIFICATES OF ASSIGNMENT OF ALLOTMENT

Notice is hereby given that the Lemon Administrative Committee, established pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and the marketing agreement, as amended, hereinafter referred to as the "marketing agreement," and Order No. 53, as amended (7 CFR Part 953; 13 F. R. 766), regu-

lating the handling of lemons grown in the States of California and Arizona, hereafter referred to as the "order," is considering the amendment, as hereinafter proposed, of § 953.106 of the rules and regulations (7 CFR, 1946 Supp., 953.102, 953.104, and 953.106) issued thereunder, pertaining to the filing of reports and the issuing of certificates of assignment of allotment.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendment shall file the same in quadruplicate with the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than fifteen days after publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

Delete the provisions in paragraphs (d) (e) (f) and (g) of § 953.106 (7 CFR, 1946 Supp., 953.106 (d) (e) (f) and (g)) and insert in lieu thereof, the following provisions:

(d) *Certificates of assignment of allotments.* (L. A. C. Form 6) Certificates of Assignment of Allotment as provided in section 4 (1) of the marketing agreement and in § 953.4 (1) of the order shall be issued by all handlers at the time of sale or transfer of any lemons from such handlers. Such certificate shall cover the total quantity of lemons sold and shall contain the following information: date lemons are delivered; handler's invoice number; name of consignee (purchaser or receiver), destination (address of consignee) truck driver's name; truck driver's address; number of packed boxes of lemons covered by the assignment. Each certificate of assignment of lemons shall be signed by the handler or his authorized agent and shall show the address of the handler issuing it.

(e) *Reports of transfers of allotments.* (L. A. C. Form 7) Reports of all transfers of allotments shall be made to the Lemon Administrative Committee, 111 West Seventh Street, Los Angeles 14, California, by mailing to the committee the original of each Certificate of Transfer of Allotment issued. Such certificate shall be submitted daily by the handler who issues it.

(f) *Weekly Report Form.* (L. A. C. Form 8) The weekly report required by section 6 of the marketing agreement and by § 953.6 of the order shall be submitted to the Lemon Administrative Committee on or before 12:01 p. m., P. s. t., Monday of each week, and shall contain the following information: the period covered by the report; the movement of fresh lemons subject to prorate in interstate commerce and intrastate commerce; exports (other than Canada) quantities sold or disposed of to canners or by-product manufacturers; quantities shipped for distribution to persons on relief or donated for charitable institutions. This report shall be signed by the handler submitting it, or his authorized agent. The reverse side of the report shall contain the following information: the railroad car number, or if shipment is made by truck or other means, the date and number of the Certificate of Assignment of Allotment; the number of packed boxes shipped in interstate commerce and intrastate commerce; if shipments are exported to points other than Canada the railroad car number, or if shipment is made to steamship by truck or other means, the number of the Certificate of Assignment of Allotment; the name of the steamship, if any; the name of the consignee and destination; the number of packed boxes.

(g) *Conversion factors.* All lemons shall be reported in terms of packed "boxes" as defined in section 1 (i) of the marketing agreement and in § 953.1 (i) of the order. Where shipment is made in any form other than in packed boxes the lemons shall be converted to packed boxes on the basis of 79 pounds per packed box: *Provided,* That the following conversion tables may be used:

One box fresh loose lemons equals 81% of one packed box.

One box by-products lemons equals 63.3% of one packed box.

Done at Los Angeles, California, this 24th day of March 1948.

LEMON ADMINISTRATIVE COMMITTEE,
[SEAL] By HOWARD A. MILLER,
Chairman.

[F. R. Doc. 48-4846; Filed, June 1, 1948; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2590-1697816]

NEVADA

NOTICE OF FILING PLAT OF EXTENSION SURVEY; SMALL TRACT CLASSIFICATION ORDER

MAY 17, 1948.

Notice is given that the plat of extension survey and subdivision of section 1, T. 26 N., R. 57 E., M. D. M., Nevada, accepted April 30, 1948, including lands hereinafter described, will be officially filed in the district land office, Carson City, Nevada, effective at 10:00 a. m. on July 19, 1948.

The lands affected by this notice are described as follows:

MOUNT DIABLO MERIDIAN

T. 26 N., R. 57 E.,
Sec. 1, lots 6 to 10 inclusive, SW¼NW¼, W½SW¼.

The area described aggregates 321.71 acres.

The area described includes tracts designated on the plat as small sites Nos. 1 to 53, inclusive, containing 27.14 acres, for the purpose of furnishing descriptions and areas as a basis for applications to lease such sites under the Small Tract Act.

Pursuant to the authority delegated to me by the Secretary of the Interior, by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F R. 3566) I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609) as amended July 14, 1945 (59 Stat. 467; 43 U. S. C. sec. 682a) as hereinafter indicated, small sites Nos. 1 to 53, inclusive:

SMALL TRACT CLASSIFICATION NO. 150

NEVADA NO. 11

For Leasing for Combination Business and Homesite Purposes

T. 26 N., R. 57 E., M. D. M.,
Sec. 1, small sites Nos. 17 and 18 (to be leased as one unit).

For Leasing for Cabin Sites

T. 26 N., R. 57 E., M. D. M.,
Sec. 1, small sites Nos. 1 to 16, inclusive, and 19 to 53, inclusive.

These lands are classified for leasing only. The leases will not contain an option to purchase clause.

These lands are located in Southern Elko County, Nevada, on the western side of Ruby Lake in Ruby Valley. The W½ sec. 1, adjoins the Humboldt National Forest on the north and west and the Ruby Lake National Wildlife Refuge on the south and east. The lands lie approximately 67 miles southerly of Elko, Nevada, a city of 5,000 people, and about 20 miles southerly of Ruby Valley Post Office. They are accessible by the Harrison Pass Road and several other semi-improved roads extending into the valley. They lie along the easterly foot of the Ruby Mountains about ⅜ mile west of the shore of Ruby Lake. These lands slope gently toward the Lake and are high enough to command a good view of the Lake and surrounding area. The soil is a gravelly to rocky clay which supports sagebrush, rabbit brush, wildrose and a remnant of bluegrass and wheatgrass. The climate is generally moderate.

At 10:00 a. m. on July 19, 1948, all of the lands included in the extension survey shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from July 19, 1948, to October 18, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747), as

amended May 31, 1947 (61 Stat. 123, 43 U. S. C. sec. 279) and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 30, 1948, to July 19, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on July 19, 1948 shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on October 19, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from September 30, 1948, to October 19, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on October 19, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Other persons entitled to credit for service shall file evidence of their right to credit in accordance with 43 CFR 181.38 (Circ. 1588, December 7, 1944) Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Carson City, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the Regional Administrator, improvements, which under the circumstances are presentable, substantial, and appropriate for the use for which the lease is issued. Plans for improvements may be submitted to the Regional Administrator for approval in advance of construction.

Leases will be for a period of five years at an annual rental of $5 for cabin sites, payable for the entire lease period in advance of the issuance of the lease. The rental for the combination business and home site will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20, payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease.

All of the lands involved are within the exterior boundaries of Grazing District No. 1, established April 8, 1935.

All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Carson City, Nevada.

MARION CLAWSON,
Director.

[F. R. Doc. 48-4828; Filed, June 1, 1948; 8:49 a. m.]

[1669146]

CALIFORNIA

REVOKING IN PART DEPARTMENTAL ORDER OF AUGUST 5, 1939, WITHDRAWING PUBLIC LANDS FOR USE OF THE CALIFORNIA DEBRIS COMMISSION; RESTORING AND OPENING FOR MINING PURPOSES LANDS WITHDRAWN UNDER FEDERAL POWER ACT AND RECLAMATION ACT

By virtue of the authority contained in section 21 of the act of March 1, 1893 (27 Stat. 507, 510), the act of June 10, 1920 (41 Stat. 1063) and the act of April 23, 1932 (47 Stat. 136) and pursuant to the determination of the Federal Power Commission (DA-670-California) of April 15, 1947, it is ordered as follows:

The Departmental order of August 5, 1939 withdrawing public lands for the California Debris Commission, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 E., sec. 19, lots 19 and 20.

The jurisdiction over and use of such lands granted by the order of August 5, 1939 shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

At 10:00 a. m. on July 21, 1948, subject to valid existing rights, the lands, having been withdrawn for Power Site Reserve No. 268 on April 29, 1912, and for reclamation purposes under the provisions of the act of June 17, 1902 (32 Stat. 388) on February 14, 1942, are hereby restored for mining purposes only and shall become subject to location, entry, and patent under the general mining laws subject to (1) the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846) (2) the condition that if and when the land is required wholly or in part for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with the proposed development shall be removed or relocated as may be necessary to eliminate interference with power development without expense to the United States, its transferees or assigns, (3) the terms of the following stipulations and (4) the regulations contained in § 185.36 of Title 43 of the Code of Federal Regulations (Circular No. 1275, June 22, 1932, 53 I. D. 706)

There is reserved to the United States, its successors and assigns, the superior right to use any or all of said lands for the construction, establishment, operation and maintenance of a dam or reservoir or any related works or structures, including the right to submerge, flood or overflow said land, and the right to take and remove from said land materials for use in the construction of such irrigation works and the right to construct, erect, operate, maintain, use, reconstruct and relocate roads, trails, telephone, telegraph and electrical transmission lines, pipe line, ditches, canals and conduits upon, over and across said land. Any mining operations on said land shall be conducted so as not to interfere with the construction or operation of any dam, reservoir or other structure, work or facility now or hereafter constructed by the United States, its successors and assigns, and the United States, its successors and assigns, shall not be liable for damage resulting to or for the taking of any mine or structure on said property by reason of flooding of or seepage into such mine or structure, nor for any other acts performed on or done to said land by authority of the United States, its successors and assigns, and any or all buildings and all physical mining works that would interfere with the use of the lands for reclamation purposes shall be removed by the locator at no cost to the United States or its successors or assigns.

The foregoing stipulations shall be executed in favor of the United States by intending locators, recorded in the county records, and filed in the District Land Office at Sacramento, California, before locations are made, and they shall be incorporated in any patents issued on such locations.

Any applications shall be filed in the District Land Office at Sacramento, California, and shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) to the extent that such regulations are applicable.

C GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 19, 1948.

[F. R. Doc. 48-4876; Filed, June 1, 1948; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 32]

R. A. ASCHER IRON & STEEL

ORDER SUSPENDING LICENSING PRIVILEGES

In the matter of R. A. Ascher, individually, and R. A. Ascher, doing business as R. A. Ascher Iron & Steel, 92 Liberty Street, New York, New York.

This proceeding was instituted on November 28, 1947, by the transmission of a charging letter to the above-named R. A. Ascher (hereinafter referred to as the respondent) wherein the Office of International Trade charged said respondent with having violated section 6 of the act of July 2, 1940 (54 Stat. 714) and the proclamations, executive orders and regulations promulgated thereunder, by making or causing to be made unauthorized alterations in certain export licenses.

Said charging letter gave notice that a hearing thereon would be held before a Compliance Commissioner of the Office of International Trade, in the Regional Office of the Department of Commerce, Empire State Building, New York City, at 2:00 p. m., on December 10, 1947. Hearing was duly held pursuant to such notice. Respondent appeared personally at the hearing, at which the Compliance Commissioner received the evidence presented, and the Compliance Commissioner, after due consideration of the record, on May 14, 1948, filed his report in the matter.

It appears from the findings of the Compliance Commissioner that respondent is an individual doing business under the firm name and style of R. A. Ascher Iron and Steel, at 92 Liberty Street, New York, New York, and was, in September, 1947, and for some time prior thereto, and still is, engaged in the business of exporting and procuring orders for exporting materials to various countries; that during September 1947, five certain export licenses were issued to respondent by the Office of International Trade authorizing the export of stated quantities of various iron and steel products; that respondent thereafter made or caused to be made an unauthorized alteration in each of said licenses by increasing the quantity of iron and steel products authorized by said licenses to be exported, to-wit: by increasing the quantity authorized by License No. 864579 from 2 tons to 120 tons, by increasing the quantity authorized by License No. 865525 from 8 tons to 800 tons, by increasing the quantity authorized by License No. 864581 from 31 tons to 131 tons, by increasing the quantity authorized by License No. 864580 from 7 tons to 70 tons, and by increasing the quantity authorized by License No. 865524 from 2 tons to 12 tons.

The Compliance Commissioner, on the basis of the above-mentioned findings, has concluded that respondent has violated section 6 of the act of July 2, 1940 (54 Stat. 714) and the regulations issued pursuant thereto, and has recommended that respondent be denied export license privileges, including the privilege of using general licenses, during such time as export license requirements continue in legal effect, subject to the right to apply to the Office of International Trade, on or after March 1, 1949, for a modification of such denial of license privileges, and that such denial of license privileges apply not only to respondent individually but also to any partnership or corporation in which he has or may acquire a substantial interest or a position of trust.

The findings and recommendations of the Compliance Commissioner have been carefully considered together with the record in the matter and it appears that such findings are supported by the record and that such recommendations should be adopted. Now, therefore, it is ordered as follows:

(1) All presently outstanding export licenses issued to respondent are hereby revoked and respondent shall immediately return to the Office of International Trade for cancellation all such licenses as have not previously been returned to the Office of International Trade or surrendered to a Collector of Customs.

(2) The right of respondent to apply for, obtain or use any form of export license, including general license, is suspended for such time as the act of July 2, 1940 (54 Stat. 714) as amended or extended, shall remain in force or as its effect shall be substantially continued by other legislation.

(3) Notwithstanding provisions of Paragraph (2) above, respondent may apply to the Office of International Trade at any time on or after March 1, 1949, for a modification in the terms of this order, and, should it appear, after hearing, that respondent has fully complied with the terms of this order in the interim, which fact is in no way controverted by evidence in the possession of the Office of International Trade, this order may be modified in such manner and on such terms or conditions as the Office of International Trade shall determine.

(4) The terms of this order shall apply not only to respondent individually but also to respondent doing business as R. A. Ascher Iron & Steel or under any other name, style, or guise whatever, and to any partnership of which respondent is or shall become a member and to any corporation in which he has or shall acquire a substantial interest, and to any partnership or corporation in which he has or shall obtain a position of trust relating to the export of commodities from the United States.

This order is subject to the right of respondent to appeal therefrom, within 10 days from receipt of a copy thereof, to the Assistant Director of the Office of International Trade.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671, 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321, Pub. Law 395, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: May 25, 1948.

W S. THOMAS,
Director,
Export Operations Division.

[F. R. Doc. 48-4831; Filed, June 1, 1948; 9:00 a. m.]

[Case No. 35]

DALTON-COOPER, INC., ET AL.

ORDER SUSPENDING LICENSING PRIVILEGES

In the matter of Dalton-Cooper, Inc., Jeanne Garr, John Garr, and S. F. Palmer, 200 West Thirty-fourth Street, New York, New York.

This proceeding was instituted on May 4, 1948, by the transmission of a charging letter to the above-named parties (hereinafter referred to as respondents), wherein the Office of International Trade charged said respondents with having violated section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and the proclamations, executive orders and regulations promulgated thereunder, by exporting from the United States in excess of 600,000 lbs. of lard without the required export licenses.

Said charging letter gave notice that a hearing thereon would be held before the Compliance Commissioner of the Office of International Trade at 10:00 a. m. on May 4, 1948, in the Offices of the Department of Commerce, Fourteenth Street and Constitution Avenue NW., Washington, D. C. Respondents were personally represented at such hearing by respondent Jeanne Garr, who accepted service of the charging letter and expressly waived further notice and consented that the hearing proceed forthwith. The Compliance Commissioner received the evidence presented and, after due consideration of the record, on May 21, 1948, filed his report in the matter.

It appears from the findings of the Compliance Commissioner that respondent Dalton-Cooper, Inc., is a corporation engaged at the address appearing above in the business of exporting and procuring orders for exportation of various materials to various countries and that the individual respondents, Jeanne Garr, John Garr, and S. F. Palmer are the principal officers of the corporate respondent, and, further, that respondents, in violation of the above-mentioned statute and regulations, exported or caused to be exported from the United States in excess of 600,000 lbs. of lard from January, 1947, through August, 1947, under the purported authority of export licenses which had previously expired.

With respect to approximately 400,000 lbs. of such exports, however, the Compliance Commissioner has noted that, while exportation took place after expiration of the licenses used and thus in violation of the applicable regulations, such licenses had been presented to Collectors of Customs and Shippers' Export Declarations had been duly filed and authenticated prior to expiration of such licenses. The Compliance Commissioner has concluded that, as to such 400,000 lbs. of lard, there may have been some uncertainty or misunderstanding concerning applicability of the regulations, and he has taken this factor into consideration in recommending an appropriate period of suspension of license privileges. With respect to the remainder of approximately 200,000 lbs. of lard for which licenses were presented and export declarations filed and authenticated after expiration of such licenses, however, no such extenuating circumstances appear.

On the basis of such findings, the Compliance Commissioner has recommended that respondents be denied export licensing privileges with respect to lard for a period of 3 months beginning May 1, 1948, which was the approximate date on which this proceeding was begun, and that such denial extend to each respondent and to any partnership or any cor-

poration in which any respondent has or shall obtain a controlling interest.

The findings and recommendations of the Compliance Commissioner have been carefully considered together with the record in the matter and it appears that such findings are supported by the record and that such recommendations should be adopted. Now, therefore, it is ordered as follows:

(1) All presently outstanding licenses issued to respondents for the export of lard are hereby revoked and respondents shall immediately return to the Office of International Trade for cancellation all such licenses for lard (whether expired or not) as have not previously been returned to the Office of International Trade or surrendered to a Collector of Customs.

(2) The right of respondents to apply for, obtain or use licenses for the export of lard is suspended for a period of 3 months beginning May 1, 1948.

(3) The terms of this order shall apply to respondent Dalton-Cooper, Inc., and to the individual respondents, Jeanne Garr, John Garr and S. F. Palmer, and also to any partnership in which any respondent is or shall become a member and to any controlling interest as well as to any business enterprise in which any individual respondent has or shall obtain a position of trust relating to the export of commodities from the United States.

This order is subject to the right of respondent to appeal therefrom, within 10 days from receipt of a copy thereof, to the Assistant Director of the Office of International Trade.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671, 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321, Pub. Law 385, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: May 27, 1948.

W S. THOMAS,
Director
Export Operations Division.

[F. R. Doc. 48-4893; Filed, June 1, 1948; 9:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7655, 8388]

JAMES A. NOE (KNOE) AND MODEL CITY BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of James A. Noe (KNOE) Monroe, Louisiana, Docket No. 7655, File No. BMP-1839; Model City Broadcasting Company, Inc., Anniston, Alabama, Docket No. 8388, File No. BP-5250; for construction permits.

The Commission having under consideration, a petition filed May 19, 1948, by Model City Broadcasting Company, Inc., Anniston, Alabama, requesting a 30-day continuance from May 27, 1948, of the consolidated hearing on the above-entitled applications for construction permits;

It is ordered, This 21st day of May 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, June 28, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc., 48-4860; Filed, June 1, 1948; 8:51 a. m.]

[Docket Nos. 8011, 8012, 8162, 8338, 8672]

AMERICAN BROADCASTING CO., INC. (KGO) ET AL.

ORDER CONTINUING HEARING

In re applications of American Broadcasting Company, Inc. (KGO), San Francisco, California, Docket No. 8011, File No. BMP-2157; KCMO Broadcasting Company (KCMO), Kansas City, Missouri, Docket No. 8338, File No. BMP-2556; for modification of construction permits. Denver Broadcasting Company, Denver, Colorado, Docket No. 8012, File No. BP-5141, Tampa Times Company (WDAE) Tampa, Florida, Docket No. 8672, File No. BP-6266: In re order to show cause directed to. General Electric Company (WGY), Schenectady, New York, Docket No. 8162, File No. BS-264; for modification of license.

The Commission having under consideration a petition filed May 10, 1948, by Denver Broadcasting Company, Denver, Colorado, and a petition filed May 13, 1948, by KCMO Broadcasting Company (KCMO) Kansas City, Missouri, requesting a continuance of 90 days from June 14, 1948, of the consolidated hearing scheduled on the above-entitled matters;

It appearing, that on May 19, 1948, Tampa Times Company (WDAE) Tampa, Florida, filed an opposition to the instant petition alleging that a continuance will further delay the time within which the Commission could make its decision on the above-entitled application of Tampa Times Company (WDAE), that the hearing has been continued from time to time upon the motion of other parties over a period of four months; and that the Commission is interested in making early decisions on applications; and

It further appearing, that all of the above-entitled applications involve a I-B channel, 810 kc; and that a hearing at this time would be premature in view of the status of the Clear Channel and Daytime Skywave Hearings (Docket Nos. 6741 and 8333)

It is ordered, This 21st day of May 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, September 13, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-4863; Filed, June 1, 1948; 8:51 a. m.]

[Docket Nos. 8185, 8186]

E. F. PEFFER (KGDM) AND SACRAMENTO BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re applications of E. F. Peffer (KGDM), Stockton, California, Docket No. 8185, File No. BP-5554; Sacramento Broadcasters, Inc., Chico, California, Docket No. 8186, File No. BP-5745; for construction permits.

The Commission having under consideration a joint petition filed May 14, 1948, by E. F. Peffer (KGDM) Stockton, California, and Sacramento Broadcasters, Inc., Chico, California, requesting a continuance from May 27, 1948, to June 15, 1948, of the consolidated hearing on the above-entitled applications for construction permits;

It appearing, that a continuance to July 29, 1948, would better serve the public interest, convenience, and necessity;

It is ordered, This 21st day of May 1948, that the petition be and it is hereby, granted; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Thursday, July 29, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-4862; Filed, June 1, 1948; 8:51 a. m.]

[Docket No. 8376]

COMMUNITY BROADCASTING SERVICE, INC. (WWBZ)

ORDER CONTINUING HEARING

In re application of Community Broadcasting Service, Inc. (WWBZ), Vineland, New Jersey, Docket No. 8376, File No. BP-5696; for construction permit.

Whereas, the above-entitled application of Community Broadcasting Service, Inc. (WWBZ) Vineland, New Jersey, is scheduled to be heard on May 25, 1948, at Washington, D. C., and

Whereas, there is pending before the Commission a petition filed March 22, 1948, by the above-entitled applicant requesting grant or denial of the said application pursuant to the special waiver procedure provided in § 1.391 of the Commission's rules;

It is ordered, This 21st day of May 1948, that the said hearing on the above-entitled application be, and it is hereby, continued, on the Commission's own motion, to 10:00 a. m., Tuesday, June 8, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-4865; Filed, June 1, 1948; 8:51 a. m.]

[Docket No. 8427]

DOUGLAS L. CRADDOCK (WLOE)

ORDER CONTINUING HEARING

In re application of Douglas L. Craddock (WLOE) Leaksville, North Caro-

lina, Docket No. 8427, File No. BML–1253; for modification of license.

The Commission having under consideration a petition filed May 14, 1948, by Douglas L. Craddock (WLOE) Leaksville, North Carolina, requesting a sixty-day continuance from June 3, 1948, of the hearing on his application for modification of license (File No. BML–1253; Docket No. 8427)

It is ordered, This 21st day of May 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Wednesday, July 28, 1948, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–4864; Filed, June 1, 1948; 8:51 a. m.]

[Docket Nos. 8621, 8622, 8760]

TRAVELERS BROADCASTING SERVICE CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of The Travelers Broadcasting Service Corporation, Hartford, Connecticut, Docket No. 8621, File No. BPCT–193; The Connecticut Broadcasting Company, Hartford, Connecticut, Docket No. 8622, File No. BPCT–195; The Hartford Times, Inc., Hartford, Connecticut, Docket No. 8760, File No. BPCT–273; for construction permits.

The Commission having under consideration a petition filed April 26, 1948, by The Connecticut Broadcasting Company, Hartford, Connecticut, requesting the Commission to continue "until such time as may be necessary for the Commission to finally determine the several petitions, including rule-making procedure, in the matter of Yankee Network, Inc., File No. BPCT–285" the consolidated hearing scheduled for May 24, 1948, on the above-entitled application; and also having under consideration an opposition filed May 3, 1948, by The Travelers Broadcasting Service Corporation, Hartford, Connecticut;

It appearing, from a petition for reconsideration and grant filed March 21, 1948, by The Yankee Network, Inc., that The Yankee Network, Inc., proposes to file before May 28, 1948, in Dockets No. 8975 and 8736 a petition requesting amendment of § 3.606 of the Commission's rules and regulations with respect to the proposed allocation of television facilities to Hartford, Connecticut; and

It further appearing, that The Connecticut Broadcasting Company, Hartford, Connecticut, filed its above-entitled application in reliance on the assignment to the Hartford, Connecticut, area of television channels 8 and 10 under the provisions of § 3.606 of the Commission's rules; that, pursuant to the said request of Yankee Network, Inc., for amendment of § 3.606 of the Commission's Rules with respect to the allocation of television facilities to the Hartford, Connecticut, area, the number of channels now assigned to the Hartford, Connecticut, area may be decreased; and that it would therefore be unjust to The Connecticut Broadcasting Company, Hartford, Connecticut, to require that it proceed to hearing on its above-entitled application before the allocation of channels in the Hartford, Connecticut, area had been finally determined; and

It further appearing, that a continuance to August 10, 1948, of the hearing on the above-entitled applications may be sufficient to permit the Commission to determine finally the allocation of television channels in the Hartford, Connecticut, area, and that such continuance would be convenient for all parties;

It is ordered, This 21st day of May 1948, that the petition be, and it is hereby, granted in part; and that the hearing be, and it is hereby, continued to 10:00 a. m., Tuesday, Auugst 10, 1948, at Hartford, Connecticut.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–4861; Filed, June 1, 1948; 8:51 a. m.]

TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

ORDER AMENDING PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of May 1948;

The Commission having under consideration an amendment of its Revised Tentative Allocation Plan for Class B FM Broadcast Stations, to the extent that Channel 223 will be allocated to Preston, Idaho, for the purpose of making possible the grant of an application now pending for that city; and

It appearing, that there is now pending before the Commission an application for a Class B FM station at Preston, Idaho, by Voice of The Rockies, Inc. (BPH–1427) that there are no applications pending for Class B FM facilities at Preston, Idaho; that no Class B FM channels have been allocated to Preston, Idaho; that Channel 223, which is presently unallocated in this area, could be allocated to Preston, Idaho; that the operation of a station on Channel 223 at Preston, Idaho would not cause interference to any station, existing, proposed or contemplated by present allocations; that in addition to Channel 223 there is at least one other channel which is presently unallocated in this area and which could be allocated to Preston, Idaho, that the adoption of the proposed amendment will increase the number of channels allocated to Preston, Idaho, will not reduce the number of channels allocated to any other city, and will not require a change in the channel assignment of any existing FM authorization; and that no existing requirements of the Commission will be affected by said amendment; and

It further appearing, that the nature of the proposed amendment is such as to render unnecessary the public notice and procedure set forth in section 4 (a) of the Administration Procedure Act; and that for the same reasons this order may be made effective immediately in lieu of the requirements of section 4 (c) of said act; and

It further appearing, that authority for the adoption of said amendment is contained in sections 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended so that the allocation of Channel No. 223 to Preston, Idaho is included therein.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–4868; Filed, June 1, 1948; 8:52 a. m.]

WJXN

NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on May 4, 1948 there was filed with it an application (BAL–735) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of WJXN, Jackson, Mississippi from P K. Ewing, Jr., F C. Ewing, and Myrtle M. Ewing, a partnership doing business as Ewing Broadcasting Company to Andalusia Broadcasting Company, Inc. The proposal to assign the license arises out of a contract of April 23, 1948 pursuant to which the property and equipment of the station would be sold for a total of $35,000 cash. The sale is subject to various adjustments in profits, accounts and obligations as more specifically provided in the instrument. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on May 10, 1948 that starting on May 6, 1948 notice of the filing of the application would be inserted in Clarion Ledger a newspaper of general circulation at Jackson, Mississippi in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from May 6 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48–4866; Filed, June 1, 1948; 8:52 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

WLON

NOTICE CONCERNING PROPOSED ASSIGNMENT OF PERMIT [1]

The Commission hereby gives notice that on March 24, 1948 there was filed with it an application (BAPH–75) for its consent under section 310 (b) of the Communications Act to the proposed assignment of construction permit of FM station WLON, Front Royal, Virginia from Hoyle Barton Long to Sky-Park Broadcasting Corporation, Front Royal, Virginia. The proposal to assign the permit arises out of a contract of July 31, 1947 between Long and assignee, pursuant to which consideration for the assignment of permit would be reimbursement by the assignee to the assignor for fees and expenses already incurred in connection with the filing of application for construction permit, aggregating $3,624.85, plus fees and expenses which may be incurred in connection with the assignment application, estimated at $1,000. No physical equipment is involved. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant that starting on May 6, 1948 notice of the filing of the application would be inserted in the Warren Sentinel, a newspaper of general circulation at Front Royal, Virginia in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from May 6, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–4867; Filed, June 1, 1948; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–817]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF SUPPLEMENTAL APPLICATION

MAY 25, 1948.

Notice is hereby given that on May 5, 1948, a supplemental application was filed with the Federal Power Commission by New York State Natural Gas Corporation (Applicant) a New York corporation having its principal place of business in the City of New York, New York, and authorized to do business in the States of New York and Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipe line facilities, subject to the jurisdiction of the Federal Power Commission, as hereinafter described, in substitution for a portion of certain pipe line construction authorized by the Commission in this Docket No. G–817 on July 3, 1947.

Applicant proposes to construct in 1948:

Tonkin Station, consisting of six 600 horsepower gas engines and compressors with auxiliary equipment, located in Franklin Township, Westmoreland County, Pennsylvania, adjacent to Applicant's 12¾-inch pipe line No. 9 approximately midway between Preston and Pew Stations.

Applicant proposes to construct in 1949:

(a) 26 miles of 16-inch pipe line parallel to line No. 9 extending south from a point located 4.5 miles south of Tonkin Station.

(b) 23.7 miles of 16-inch pipe line extending north from a point near Rassalas, Pennsylvania, being an extension of the 14-inch loop line parallel to line No. 10 which was completed in 1947.

(c) 12.2 miles of 16-inch pipe line from a point north of Hemphill, Pennsylvania, to State Line Station which, together with 1.5 miles of 16-inch line already laid, is identical with the loop line authorized by the Commission order of July 3, 1947, in this Docket No. G–817, as described in paragraph (2) (b) hereof.

Applicant states that it has recently been advised by its suppliers that the pipe which it had ordered and which the suppliers had promised to deliver this year, 1948, for the loop line construction, authorized by the Commission in the certificate order of July 3, 1947, in this Docket No. G–817, will not be delivered as previously scheduled. The delivery dates have been tentatively postponed until the spring of 1949. Applicant has no expectation of obtaining the pipe which it had ordered, nor has it been successful in its efforts to obtain pipe elsewhere. Applicant further requests, for the foregoing reasons, that the certificate order of July 3, 1947, in this Docket No. G–817 be revised and amended.

Applicant alleges that by the construction and operation of the proposed Tonkin Station it will be possible to receive 108,700 Mcf of gas daily from Hope Natural Gas Company and Texas Eastern Transmission Corporation and transport north to Pew a maximum 108,000 Mcf of gas per day as compared with the present maximum 89,000 Mcf per day. After delivering the gas contracted for to the customers receiving gas in the vicinity of Pew, Applicant will be able to transport north from Pew a maximum of 85,100 Mcf of gas per day.

The proposed new loop lines together with the facilities already authorized and completed and the new Tonkin Station are estimated to provide Applicant with 130,000 Mcf daily capacity to Pew and 107,000 Mcf daily capacity north of Pew.

Applicant states that this revision of its construction plans is the only feasible means of enlarging its facilities so that it will be in the best possible position to supply the gas which is needed by its customers in northern Pennsylvania and New York in order to avoid curtailments and possible total interruption of deliveries to consumers.

The estimated total over-all cost of construction of Tonkin Station is $890,201. The capital cost of the proposed 1949 loop line construction program will be submitted when estimates are completed. Applicant proposes to finance the proposed construction with funds produced by the sale of capital stock at par for cash to Consolidated Natural Gas Company.

Any interested State commission is requestion to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of New York State Natural Gas Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 or 1.10)

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–4823; Filed, June 1, 1948; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–1831]

AMERICAN POWER & LIGHT CO. AND FLORIDA POWER & LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of May A. D. 1948.

American Power & Light Company ("American"), a subsidiary of Electric Bond and Share Company, both registered holding companies, and American's electric utility subsidiary, Florida Power & Light Company ("Florida"), having filed an application-declaration, and an amendment thereto, pursuant to sections 6 (a) 7, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-45 and U-50 thereunder regarding the following proposed transactions:

(a) American proposes to make a cash contribution to the common stock capital of Florida in the amount of $4,000,000

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

on or prior to the date of the sale, hereinafter described, by Florida of its First Mortgage Bonds, ____% Series due 1978 ("1978 Bonds") and Florida proposes to add the amount of said contribution to the stated value of its common stock;

(b) Florida proposes to issue and sell at competitive bidding, pursuant to Rule U-50, $11,000,000 principal amount of its 1978 Bonds. The 1978 Bonds are to be issued under Florida's existing Mortgage and Deed of Trust from Florida to Bankers Trust Company and The Florida National Bank of Jacksonville, Trustees, dated January 1, 1944, as supplemented by a First Supplemental Indenture thereto dated July 1, 1947, and as it will be supplemented by a proposed Second Supplemental Indenture to be dated June 1, 1948;

Florida proposes to use the cash to be received by it as a result of the contribution and from the sale of the 1978 Bonds to finance its 1948 program for expansion and construction of generating plants, transmission lines and distribution facilities, for the improvement and expansion of utility service to the public, and to pay short-term borrowings from banks which presently amount to $3,000,000 and which, it is estimated, will amount to approximately $4,000,000 at the time of the proposed sale of the 1978 Bonds; and

American having requested that the Commission's order herein recite that the proposed cash investment of $4,000,000 by American through a contribution to the capital of Florida is necessary or appropriate to the integration or simplification of the holding company system, of which American is a member, and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereto; and

American and Florida having requested that the Commission's order herein be entered as soon as may be practicable and become effective upon issuance; and

Said application-declaration having been filed on May 6, 1948 and the last amendment thereto having been filed on May 25, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder; and finding that the proposed cash capital contribution of $4,000,000 by American to the common stock capital of Florida is a step in compliance with this Commission's order for American's dissolution under section 11 (b) (2) of the act; and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith, subject to certain reservations of jurisdiction:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition, to which the applicants-declarants have expressly assented, that the proposed sale of bonds by Florida shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in light of the record as so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof:

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the payment of all counsel fees and expenses in connection with the proposed transactions, including the fees and expenses of counsel for the successful bidder.

It is further ordered and recited, That the transaction proposed by American and Florida, namely, the cash contribution of $4,000,000 by American to the common stock capital of Florida, is necessary or appropriate to the integration and simplification of the holding company system of which American is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-4837; Filed, June 1, 1948; 8:46 a. m.]

File No. 70-1844

CINCINNATI GAS & ELECTRIC CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of May 1948.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Cincinnati Gas & Electric Company ("Cincinnati") a subsidiary of The United Corporation, a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than June 2, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 2, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Cincinnati proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of First Mortgage Bonds due 1978. Applicant states that the proceeds to be derived from the sale of the new bonds will be used to finance, in part, its 1948-1949 construction program. Cincinnati estimates that it will spend a total of $57,327,595 on its construction program in the three years 1948, 1949 and 1950, of which $18,108,624 applies to the year 1948, $21,938,959 to the year 1949, and $17,280,012 to the year 1950. If the entire construction program is consummated, Cincinnati states that further new financing will be required, the amount, character and date of such financing being undetermined at this time but it is presently believed that a portion of the necessary funds will be obtained through the sale of equity securities.

The application by Cincinnati is filed pursuant to section 6 (b) of the act for an exemption from the provisions of section 6 (a) thereof of the issue and sale of the new bonds, such issue and sale having been expressly authorized by the Public Utilities Commission of Ohio, by order dated May 17, 1948.

Applicant has requested the Commission to issue its order granting the application in time to permit the company to invite bids with respect to the new bonds on June 12, 1948 and to open bids received in response to such public invitation on June 21, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F R. Doc. 48-4838; Filed, June 1, 1948; 8:46 a. m.]

[File No. 7-1038]

DOW CHEMICAL CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of May A. D. 1948.

The Detroit Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $15.00 Par Value, of The Dow Chemical Company, a Delaware corporation, located in Midland, Michigan.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Cleveland Stock Exchange, New York Stock Exchange, and San Francisco Stock Exchange; that the geographical area deemed to constitute the vicinity of the Detroit Stock Exchange is the State of Michigan; that out of a total of 4,994,824 shares outstanding, 2,123,404 shares are owned by 1,733 shareholders in the vicinity of the Detroit Stock Exchange; and that in the vicinity of the Detroit Stock Exchange there were effected transactions involving 2,289 shares from July 23, 1947 to February 1, 1948;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Detroit Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $15.00 Par Value, of The Dow Chemical Company, a Delaware corporation, be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 48-4839; Filed, June 1, 1948; 8:46 a. m.]

[File No. 70-1825]

ATTLEBORO STEAM AND ELECTRIC CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of May A. D. 1948.

In the matter of Attleboro Steam and Electric Company, Beverly Gas and Electric Company, Central Massachusetts Electric Company, Eastern Massachusetts Electric Company, Gardner Electric Light Company, Gloucester Electric Company, Gloucester Gas Light Company, Granite State Electric Company, Haverhill Electric Company, Lawrence Gas and Electric Company, The Lowell Electric Light Corporation, Malden and Melrose Gas Light Company, Worcester Suburban Electric Company, New England Power Company, Northampton Electric Lighting Company, Northern Berkshire Gas Company, Quincy Electric Light and Power Company, Salem Gas Light Company, Southern Berkshire Power & Electric Company, Suburban Gas and Electric Company, Wachusett Electric Company, Weymouth Light and Power Company, Worcester County Electric Company; File No. 70-1825.

Notice is hereby given that the above entitled companies, hereinafter collectively sometimes referred to as "Applicant Companies," subsidiary companies of New England Electric System ("NEES") a registered holding company, have filed separate applications, and amendments to each application, with this Commission pursuant to the Public Utility Holding Company Act of 1935. The applicant companies have designated section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 9, 1948, request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said applications, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 9, 1948 said applications, as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said applications, as amended, which are on file in one docket designated by File No. 70-1825, in the offices of this Commission. The transactions therein proposed are summarized as follows:

Each applicant company proposes to issue from time to time, but not later than March 31, 1949, unsecured promissory notes, due May 31, 1951, in the form and upon the terms and conditions set forth in the respective bank loan agreements entered into with certain banks hereinafter named and in an aggregate amount not in excess of the amount shown opposite the name of each applicant company in the column of the following table designated "Proposed Aggregate Amount of Notes To Be Issued During Period From June 1, 1948, to March 31, 1949." Each applicant company further proposes that it will not have outstanding at any one time during the period from June 1, 1948 to March 31, 1949 unsecured promissory notes in an amount in excess of the amount set forth opposite the name of the respective applicant company in the column of the following table designated "Proposed Maximum Amount of Notes Outstanding At Any One Time During Period from June 1, 1948 to March 31, 1949." The applications, as amended, further state that the total amount of unsecured promissory notes which each respective applicant company is authorized to issue pursuant to this order during the period from June 1, 1948 to March 31, 1949 will be reduced by an amount equal to the amount of permanent financing that is done by such applicant company during the indicated period, exclusive in the case of New England Power Company of the amount of permanent financing (except to the extent of $1,700,000) by that company in connection with its anticipated acquisition of the properties of Bellows Falls Hydro-Electric Company and a certain transmission line of Connecticut River Power Company, and exclusive of the amount of permanent financing by each applicant company, the proceeds of which are used for the purpose of retiring indebtedness to NEES.

	Proposed aggregate amount of notes to be issued during period from June 1, 1948, to Mar. 31, 1949	Proposed maximum amount of notes outstanding at any one time during period from June 1, 1948, to Mar. 31, 1949
Attleboro Steam & Electric Co.	$200,000	$200,000
Beverly Gas & Electric Co.	400,000	400,000
Central Massachusetts Electric Co.	1,300,000	800,000
Eastern Massachusetts Electric Co.	420,000	420,000
Gardner Electric Light Co.	500,000	220,000
Gloucester Electric Co.	420,000	420,000
Gloucester Gas Light Co.	200,000	200,000
Granite State Electric Co.	320,000	320,000
Haverhill Electric Co.	650,000	650,000
Lawrence Gas & Electric Co.	1,260,000	1,000,000
The Lowell Electric Light Corp.	1,900,000	1,250,000
Malden & Melrose Gas Light Co.	520,000	520,000
Worcester Suburban Electric Co.	1,800,000	1,200,000
New England Power Co.	8,000,000	6,200,000
Northampton Electric Lighting Co.	250,000	250,000
Northern Berkshire Gas Co.	500,000	500,000
Quincy Electric Light & Power Co.	270,000	270,000
Salem Gas Light Co.	720,000	720,000
Southern Berkshire Power & Electric Co.	250,000	250,000
Suburban Gas & Electric Co.	450,000	450,000
Wachusett Electric Co.	770,000	770,000
Weymouth Light & Power Co.	420,000	420,000
Worcester County Electric Co.	5,450,000	5,450,000
Total	27,400,000	23,200,000

Each of the above entitled twenty-three applicant companies has entered into a bank loan agreement with five banks, namely, The First National Bank of Boston, The Chase National Bank of the City of New York, Central Hanover Bank and Trust Company, Irving Trust Company and The New York Trust Company. The interest rate of the unsecured notes to be issued is to be determined in accordance with the formulae set forth in the bank loan agreements which agreements (with the exception of those entered into by Gloucester Gas Light Company, Malden and Melrose Gas Light Company, and Salem Gas Light Company, which companies are engaged solely in a gas utility business) provide for a basic rate of interest of 2½% per annum, payable quarterly on the 15th day of February, May, August and November. If the rediscount rate for the Federal Reserve Bank of New York for advances under section 10 (b) of the Federal Reserve Act plus ¾ of 1% shall be higher than 2½% per annum for any period, then the interest for such period shall be such higher rate but in no case shall exceed 3½%. With respect to Gloucester Gas Light Company, Malden and Melrose Gas Light Company and Salem Gas Light Company the basic interest rate is 3% per annum with the

differential between it and the rediscount rate for the Federal Reserve Bank of New York for advances being 1¼% rather than ¾ of 1% with a maximum interest rate not to exceed 4% per annum. Under all of the bank loan agreements the interest rate after default is 5% per annum.

Under said bank loan agreements notes may be issued by each applicant company from time to time (but not later than November 30, 1949, except for reborrowings made pursuant to the provisions of the bank loan agreements) and will mature May 31, 1951, subject to the provisions for acceleration in the event of, among other things, a default on the part of an applicant company as provided for in its respective bank loan agreement. The maximum amount of unsecured notes which may be outstanding at any one time under the bank loan agreements is $30,500,000.

Each of the bank loan agreements further provides that the initial borrowing by each applicant company must be made promptly after approvals by regulatory commissions having jurisdiction have been obtained (such approvals to be obtained not later than June 15, 1948) and the initial borrowing must be in an amount at least sufficient to pay the then outstanding bank debt of each applicant company.

Each of the bank loan agreements further provides that the respective applicant companies will not have outstanding, while any of said notes are outstanding under its bank loan agreement, any indebtedness for borrowed money except: indebtedness under the bank loan agreement; first mortgage bonds; any debt owing to NEES as of the date of the bank loan agreement; and any other indebtedness which is subordinated to the indebtedness outstanding under the bank loan agreement. Each of the bank loan agreements contains a further limitation on permissible loans with relation to the issuance of mortgage bonds during the period while borrowings are outstanding under the bank loan agreements.

Each of the bank loan agreements further provides for a commitment fee of ¼ of 1% of the unborrowed balance remaining after the initial borrowing, payable at the time of the initial borrowing and for an additional commitment fee on November 30, 1948 and on May 31, 1949 each of ¼ of 1% to be paid on the unborrowed balance then existing, except to the extent that each applicant company elects at such time to waive its right to issue further notes on the basis of such balance. If the initial notes under any of the bank loan agreements is prepaid prior to the expiration of the first period ending November 30, 1948, the applicant company's right to reborrow during such period is conditioned upon the payment of a commitment fee of ¼ of 1% on the amount of the reduction. Similarly if prepayments are made during the second six-month period or during the third six-month period which prepayments reduce the borrowing below the amount outstanding at the beginning of such period, the applicant company's right to reborrow the sum so prepaid to the extent of such reduction is conditioned upon paying a commitment fee of ¼ of 1% of the amount of such reduction.

Each of the bank loan agreements permits prepayment without premium unless such payments are made through borrowings from bank organizations in which case a premium of 1% is payable.

The bank loan agreements further provide that no dividends will be declared or paid to stockholders except out of net earnings accumulated after December 31, 1947 plus a specific amount for each applicant company which amount is generally equivalent to one quarterly dividend on the common stock of said company. In the case of Gardner Electric Light Company and New England Power Company, which are the only applicant companies having preferred stock outstanding in the hands of the public, the dividend restriction is applicable to common stock dividends only.

Each of the bank loan agreements further provides that if an applicant company issues any capital stock for cash after the date of the agreement, the proceeds thereof must first be applied toward the payment of any indebtedness to NEES which may then be oustanding and which was incurred prior to the date of the agreement, with any balance to be applied toward the payment of the then outstanding notes under the bank loan agreement. The proceeds of all indebtedness subordinate to the bank notes under the bank loan agreement must be applied promptly toward the payment of the then outstanding notes under the bank loan agreement.

The applications, as amended, indicate that the proceeds from the issuance of said notes will be used to pay off any then outstanding short-term bank loans occasioned by construction of property already in progress, to replenish any depletion of working capital occasioned by construction of property already in progress, and to finance temporarily proposed construction programs through March 31, 1949 or until such earlier time as permanent financing is accomplished. The applications, as amended, indicate that the bank credit arrangement hereinabove described and the proposed issue of unsecured promissory notes is a temporary step in connection with a substantial permanent financing program of NEES and its subsidiary companies to provide the necessary funds for construction purposes. The applications, as amended, further indicate that under circumstances as now foreseen it is anticipated that permanent financing will include, among other things, the issuance of common stock by NEES, the proceeds of which would be invested in the common equity of its subsidiaries.

The applicant companies state that the Department of Public Utilities of the Commonwealth of Massachusetts has jurisdiction over the transactions with respect to each applicant company except the transactions proposed by Granite State Electric Company over which the Public Service Commission of the State of New Hampshire has jurisdiction and that each of the applicant companies have filed applications with the respective State commission having jurisdiction seeking such commission's authorization of the proposed transactions. The application further states that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Each of the bank loan agreements provides that the respective applicant companies will reimburse The First National Bank of Boston, as agent for the five lending banks, for out-of-pocket expenses including counsel's fees incurred in connection with the bank loan agreements, the estimated amount of which will be supplied by amendment. There is set forth below the names of the twenty-three applicant companies with an estimate of the actual cost for the services performed for each company by New England Power Service Company, an affiliated service company:

Attleboro Steam & Electric Co	$600.00
Beverly Gas & Electric Co	500.00
Central Massachusetts Electric Co	500.00
Eastern Massachusetts Electric Co	500.00
Gardner Electric Light Co	300.00
Gloucester Electric Co	500.00
Gloucester Gas Light Co	200.00
Granite State Electric Co	500.00
Haverhill Electric Co	500.00
Lawrence Gas & Electric Co	500.00
The Lowell Electric Light Corp	500.00
Malden & Melrose Gas Light Co	500.00
Worcester Suburban	800.00
New England Power Co	2,000.00
Northampton Electric Lighting Co	500.00
Northern Berkshire Gas Co	500.00
Quincy Electric Light & Power Co	300.00
Salem Gas Light Co	300.00
Southern Berkshire Power & Electric Co	300.00
Suburban Gas & Electric Co	500.00
Wachusett Electric Co	500.00
Weymouth Light and Power Co	300.00
Worcester County Electric Co	2,000.00

Other miscellaneous expenses, including the printing of the bank loan agreements, are estimated by the applicant companies not to exceed $150 for each of the applicant companies.

The applicant companies request that the issuance of said promissory notes be exempted by order of the Commission pursuant to the third sentence of section 6 (b) of the act; that such order be effective upon issuance and as soon as possible prior to June 15, 1948; and that the applications, as amended, of each applicant company be granted pursuant to Rule U-23 promulgated under the Act without a hearing being held.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-4842; Filed, June 1, 1948; 8:47 a. m.]